
 S T A T U T O R Y I N S T R U M E N T S

1981 No. 173

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid (General) (Amendment) Regulations 1981

<i>Made - - - - -</i>	<i>11th February 1981</i>
<i>Laid Before Parliament</i>	<i>12th February 1981</i>
<i>Coming into Operation</i>	<i>2nd March 1981</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 9(6) and 20 of the Legal Aid Act 1974^(a) hereby makes the following Regulations:—

1. These Regulations may be cited as the Legal Aid (General) (Amendment) Regulations 1981 and shall come into operation on 2nd March 1981.
2. In these Regulations a regulation referred to by number means a regulation so numbered in the Legal Aid (General) Regulations 1980^(b).
3. In regulation 5(2)(c) after the word “under” insert the words “regulation 76(1),”.
4. In regulation 76 at the end insert—

“(5) No emergency certificate shall be revoked under paragraph (3) until—

 - (a) notice has been served on the assisted person and his solicitor that the general committee may do so and that the assisted person may show cause why the certificate should not be revoked, and
 - (b) the assisted person has been given an opportunity to show cause why his certificate should not be revoked.

(6) Where notice is served under paragraph (5) no further work may be done or steps taken under the certificate unless authorised by the general committee.”
5. In regulation 82 in paragraph (1):—
 - (a) after the words “revoked under regulation” insert the words “76 or”;
 - (b) omit the words “77 or” and
 - (c) after the words “discharged under regulation” insert the words “77 or”.

(a) 1974 c.4, as amended by the Legal Aid Act 1979 (c.26).

(b) S.I. 1980/1894.

6. In regulation 96:—

(a) at the end of paragraph (d) add—

“(ix) an agreement made after 1st March 1981 which has the same effect as an order made, or deemed to be made, under any of the provisions specified in sub-paragraphs (i) to (viii);”

(b) omit paragraph (e); and

(c) in paragraph (f) for the words “sub-paragraph (c)(i) or (ii)” substitute the words “paragraph (d)(i) or (ii)”.

Dated 11th February 1981.

Hailsham of St. Marylebone, C.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Legal Aid (General) Regulations 1980.

Regulations 3, 4 and 5 amend the provisions relating to the discharge and revocation of emergency legal aid certificates with the effect that:

- (a) regulation 3 extends the secretary's powers to act on behalf of a general committee in revoking an emergency certificate where the assisted person is financially ineligible for legal aid on income grounds, and
- (b) regulation 4 confers a right on an assisted person to show cause why such a certificate should not be revoked under regulation 76(3) of the Legal Aid (General) Regulations 1980 and prevents further work being done under the certificate meanwhile: while regulation 5 removes the right to show such cause under regulation 82(1) of the 1980 Regulations and the associated right to appeal under regulation 82(2) of those Regulations.

Regulation 6 provides that the first £2,500 of any property recovered or preserved in proceeding by virtue of an agreement to the like effect as certain court orders should, like property affected by those orders, be exempted from the charge under section 9(6) of the Legal Aid Act 1974.

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