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**STATUTORY INSTRUMENTS**

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**1983 No. 1483****LEGAL AID AND ADVICE, ENGLAND AND WALES****The Legal Aid (General) (Amendment No. 2) Regulations 1983**

*Made* - - - - - *7th October 1983*

*Laid before Parliament* *11th October 1983*

*Coming into Operation* *1st November 1983*

The Lord Chancellor, in exercise of the powers conferred on him by sections 9(6), 11 and 20 of the Legal Aid Act 1974(a) and with the concurrence of the Treasury, hereby makes the following Regulations:—

1. These Regulations may be cited as the Legal Aid (General) (Amendment No. 2) Regulations 1983 and shall come into operation on 1st November 1983.

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 18(2), for the figure “£156” there shall be substituted the figure “£500” and for the figure “£78” there shall be substituted the figure “£250”.

4. In regulation 62(1), after the words “maximum fee to be paid” there shall be inserted the words “to each”.

5. For regulation 66(2) there shall be substituted—

“(2) Nothing in paragraph (1) shall prevent a solicitor from entrusting the conduct of any part of the case to a partner of his or to a competent and responsible representative of his employed in his office or otherwise under his immediate supervision.”.

6. In the title to regulation 75, for the word “and” there shall be substituted the word “or”.

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(a) 1974 c. 4; section 11 was amended by the Social Security Act 1980 (c. 30), section 20 and Schedule 4, paragraph 9, and section 20 by the Legal Aid Act 1979 (c. 26), section 4(2).

(b) S.I. 1980/1894, to which there are amendments not relevant to these Regulations.

7. In regulation 77(2), after the words "to whom it was issued" there shall be inserted the words ", having disposable income of an amount which makes him eligible for legal aid."

8. In regulation 96(h), after the words "Employment Appeal Tribunal" there shall be inserted the words ", or in accordance with a settlement entered into after 1st November 1983 which has the same effect as such an order".

9. In regulation 100(2)(a), for the figure "£200" there shall be substituted the figure "£500", except in relation to any proceedings—

- (a) in which a direction or order that the assisted person's costs be taxed in accordance with Schedule 2 to the Legal Aid Act 1974 has been made before 1st November 1983, or
- (b) which have been brought to an end before 1st November 1983 without any direction, order or agreement as to costs being made.

10. After regulation 100 there shall be inserted the following new regulation—

*"Agreement in respect of costs*

**100A.**—(1) Where in any proceedings to which an assisted person, or a former assisted person, is a party and which have been brought to an end by a judgment decree or final order, there has been an agreement in respect of the costs to be paid by any other party to the assisted person, or former assisted person, which that person's solicitor and counsel (if any) is willing to accept in full satisfaction of the work done, the amount of the costs shall be submitted to the appropriate area committee which shall, in accordance with Schedule 2 to the Act, fix the amount of costs by assessment made without a taxation.

(2) Where a submission has been made under paragraph (1), the appropriate area committee may if it thinks fit request the appropriate taxing officer to fix the amount of costs, in accordance with Schedule 2 to the Act, by assessment made without a taxation.

(3) Any solicitor or counsel, if he is dissatisfied with any decision on an assessment in accordance with paragraph (1), may make written representations to the Council of the Law Society; and the Council may allow such costs in respect of the work to which the certificate relates as appear to it to be the amount which would have been allowed to the solicitor or counsel had the costs been taxed under Schedule 2 to the Act."

11. Regulation 102 shall be deleted.

Dated 4th October 1983.

*Hailsham of St. Marylebone, C.*

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We concur,

Dated 7th October 1983.

*T. Garel Jones,*  
*D. J. F. Hunt,*  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

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**EXPLANATORY NOTE**

*(This Note is not part of the Regulations.)*

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

Regulation 8 exempts payments of money by way of settlement in Employment Appeal Tribunal proceedings from the operation of the statutory charge created by section 9(6) of the Legal Aid Act 1974 (payments made in accordance with an order of the Tribunal being already exempt).

Regulation 9 raises the limit for the assessment of costs by area committees of the Law Society from £200 to £500, except in relation to certain specified proceedings.

Regulation 10 enables agreements in respect of costs to be assessed by area committees of the Law Society rather than taxing officers.

The Regulations make other minor and consequential drafting amendments.

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