

STATUTORY INSTRUMENTS

1984 No. 112

LEGAL AID AND ADVICE, ENGLAND AND WALES
COURTS-MARTIAL (APPEALS)The Legal Aid in Criminal Proceedings (Costs) (Amendment)
Regulations 1984

<i>Made</i>	- - - -	3rd February 1984
<i>Laid before Parliament</i>		9th February 1984
<i>Coming into Operation</i>		1st March 1984

The Lord Chancellor, in exercise of the powers conferred by section 39 of the Legal Aid Act 1974(a) and now vested in him(b) and all other powers enabling him in that behalf and having had regard to the principle of allowing fair remuneration according to the work actually and reasonably done, hereby makes the following Regulations:

1. These Regulations may be cited as the Legal Aid in Criminal Proceedings (Costs) (Amendment) Regulations 1984 and shall come into operation on 1st March 1984.

2. In these Regulations, unless the context otherwise requires, a regulation referred to by number means a regulation so numbered in the Legal Aid in Criminal Proceedings (Costs) Regulations 1982(c).

3. In regulation 2—

- (a) after the definition of “appropriate authority” there shall be inserted the following new definition:
“collecting court” has the meaning assigned to it by section 32(5) of the Act; and
- (b) after the definition of “Registrar” there shall be inserted the following new definition:
“the 1968 Regulations” means the Legal Aid in Criminal Proceedings (General) Regulations 1968(d);’.

(a) 1974 c. 4.

(b) S.I. 1980/705.

(c) S.I. 1982/1197, to which there are amendments not relevant to these Regulations.

(d) S.I. 1968/1231, as amended by S.I. 1983/1863 and other instruments not relevant to these Regulations.

4. After regulation 6(3), there shall be inserted the following new paragraphs:

“(4) No question as to the propriety of any step or act in relation to which prior authority has been obtained under regulation 14D of the 1968 Regulations shall be raised on any determination of costs, unless the solicitor knew or ought reasonably to have known that the purpose for which the authority was given had failed or become irrelevant or unnecessary before the costs were incurred.

(5) Where costs are actually and reasonably incurred in accordance with and subject to the limit imposed by a prior authority given under regulation 14D of the 1968 Regulations, no question shall be raised on any determination of costs as to the amount of the payment to be allowed for the step or act in relation to which the authority was given.

(6) Where costs are incurred in taking any step or doing any act for which authority may be given under regulation 14D of the 1968 Regulations, without authority to do so having been given or in excess of any fee authorised under regulation 14D of the 1968 Regulations, payment in respect of those costs may still be allowed on a determination of costs.”.

5. After regulation 9, there shall be inserted the following new regulation:

“*Notification of collecting court*

9A. Having determined the costs payable to a solicitor or counsel in accordance with these Regulations, the appropriate authority shall notify the collecting court of the amount determined in each case in which a legal aid contribution order under section 7 of the Legal Aid Act 1982(a) has been made.”.

Hailsham of St. Marylebone, C.

Dated 3rd February 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Legal Aid in Criminal Proceedings (Costs) Regulations 1982 by providing for the determination of solicitors' disbursements attributable to acts or steps in respect of which the prior authorisation of a criminal legal aid committee of the Law Society has been or could have been obtained under the Legal Aid in Criminal Proceedings (General) Regulations 1968 (which empower a criminal legal aid committee to authorise certain kinds of unusual expenditure in advance). The Regulations also require the appropriate authority to inform the court responsible for the collection of legal aid contributions of the amount of costs determined.

(a) 1982 c. 44.

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