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

1986 No. 273

**LEGAL AID AND ADVICE, ENGLAND AND WALES
COURTS-MARTIAL (APPEALS)**
**The Legal Aid in Criminal Proceedings (Costs)
(Amendment) Regulations 1986**

Made - - - - - 13th February 1986

Laid before Parliament 19th February 1986

Coming into Force 12th March 1986

The Lord Chancellor, in exercise of the powers conferred by sections 30(9A) and 39 of the Legal Aid Act 1974(a) and now vested in him(b), hereby makes the following Regulations:—

1. These Regulations may be cited as the Legal Aid in Criminal Proceedings (Costs) (Amendment) Regulations 1986 and shall come into force on 12th March 1986.

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

3. After regulation 3, there shall be inserted—

“Remuneration for work done before making of legal aid order

3A. Representation or advice given before the making of a legal aid order under section 28(2), (3) or (4) of the Act is to be deemed to be work done under that order for the purposes of these Regulations, provided that the appropriate authority is satisfied that:

- (a) the interests of justice required that the representation or advice be provided as a matter of urgency;
- (b) there was no undue delay in making the application for a legal aid order; and
- (c) the representation or advice was given by the solicitor who was subsequently assigned under the legal aid order.”.

(a) 1974 c. 4; section 30(9A) was inserted by the Administration of Justice Act 1985 (c. 61), section 46.

(b) S.I. 1980/705.

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

4. After paragraph (3) of regulation 4, there shall be inserted—

“(3A) Where the solicitor claims that representation or advice given before the making of the legal aid order should be deemed to be work done under that order, he shall give full particulars in support of the claim.”.

5. In paragraph (2)(a) of regulation 5, after “legal aid order”, there shall be inserted “, including any representation or advice which is deemed to be work done under that order,”.

6. In regulation 12—

(a) in paragraph (3), the words after “such appeal” shall be omitted; and

(b) for paragraph (5), there shall be substituted

“(5) Where the Lord Chancellor is dissatisfied with the decision of a taxing master on an appeal under regulation 11, he may, if no appeal has been made by the solicitor or counsel under paragraph (3), appeal to the High Court against that decision, and the solicitor or counsel shall be respondent to the appeal.”.

Hailsham of St. Marylebone, C.

Dated 13th February 1986.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Legal Aid in Criminal Proceedings (Costs) Regulations 1982, enabling remuneration to be paid in certain circumstances for work done by solicitors before the making of a legal aid order in respect of proceedings in the magistrates' courts and empowering the Lord Chancellor to make or intervene in an appeal to the High Court from any decision of a taxing master.

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