

**1989 No. 288 (C.11)**

**LEGAL AID AND ADVICE,  
ENGLAND AND WALES**

**The Legal Aid Act 1988 (Commencement No.3)  
Order 1989**

*Made* - - - - - *28th February 1989*

The Lord Chancellor, in exercise of the power conferred on him by section 47(2) of the Legal Aid Act 1988(a), hereby makes the following Order:-

**Citation**

1. This Order may be cited as the Legal Aid Act 1988 (Commencement No.3) Order 1989.

**Provisions coming into force on 1st April 1989**

2. The following provisions of the Legal Aid Act 1988 shall come into force on 1st April 1989:

sections 1 and 2, section 3(2), (3) and (4), sections 4 to 28, section 30(1) and (2), sections 31 to 34, sections 36 to 43, section 45, Schedules 2, 3, 5 and 6, Schedule 7 paragraphs 1, 2, 3, 4, 5, 9, 10 and 11.

**Savings**

3. The saving provisions mentioned in the Schedule shall have effect.

Dated 28th February 1989

*Mackay of Clashfern, C.*

## SCHEDULE

## Article 3

1. In this Schedule, "certificate" has the meaning assigned by regulation 3 of the Legal Aid (General) Regulations 1980(a).

2. Notwithstanding their repeal by the Legal Aid Act 1988, the provisions of the Legal Aid Act 1974(b) with respect to civil legal aid and assistance by way of representation shall continue to have effect in relation to any of the following proceedings in respect of which a certificate was issued, or the giving of assistance by way of representation was approved, before 1st April 1989:—

- (a) Proceedings under section 3 of the Children and Young Persons Act 1963(c);
- (b) Proceedings under sections 3, 5 and 67(2) of the Child Care Act 1980(d);
- (c) Proceedings under Part 1A of the Child Care Act 1980(e).

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(a) S.I. 1980/1894. (b) 1974 c.4. (c) 1963 c.37; section 3 was amended by the Children and Young Persons Act 1969 (c.54), Schedule 5, paragraph 47. (d) 1980 c.5; section 3 was amended by the Mental Health Act 1983 (c.20), section 148, Schedule 4, paragraph 50(a) and by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 2, paragraph 46; section 5 was amended by the Child Abduction and Custody Act 1985 (c.60), section 25(5). (e) 1980 c.5; Part 1A was inserted by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), Schedule 1, Part I, paragraph 1.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st April 1989 all those provisions of the Legal Aid Act 1988 which are not already in force excepting section 29 (representation in contempt proceedings), Schedule 4, paragraphs 3 (contributions), 5 (fees and outlays of solicitors and counsel) and 10 (rateability of Board's property), and section 44 insofar as it relates to the above-mentioned provisions of Schedule 4. (Schedule 4 extends only to Scotland.)

The provisions are:-

section 1	(purpose of the Act)
section 2	(interpretation)
section 3(2), (3), (4)	(functions of the Legal Aid Board)
section 4	(powers of the Board)
section 5	(duties of the Board)
section 6	(legal aid fund)
section 7	(accounts and audit)
sections 8 to 13	(advice and assistance)
sections 14 to 18 and Schedule 2	(civil legal aid)
sections 19 to 26 and Schedule 3	(criminal legal aid)
sections 27, 28 and 30(1) and (2)	(legal aid in care proceedings)
sections 31 to 34	(position and assignment of legal representatives, legal aid complaints and power to make regulations)
section 36	(supplementary provisions as to orders and regulations)
section 37	(Board's Annual Report)
section 38	(restriction of disclosure of information)
section 39	(proceedings for misrepresentation)
section 40	(adaptation of rights of indemnity)
section 41	(application to the Crown)
section 42	(finance)
section 43	(definitions)
section 45 and Schedules 5, and 6 and Schedule 7, paragraphs 1 to 5 and 9 to 11	(amendments, repeals and transitional provisions)

## NOTE AS TO PREVIOUS COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
s.3 (1), (5), (6), (7), (8), (9), (10), Schedule 1, Schedule 7, paragraphs 6, 7 and 8	20.8.1988	1988/1361
s.44 (partially), Schedule 4 paragraphs (1), (2), (4), (6), (7), (8) and (9).	29.7.1988	1988/1388

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