
STATUTORY INSTRUMENTS

1989 No. 339

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

The Civil Legal Aid (General) Regulations 1989

<i>Made</i>	- - - -	<i>3rd March 1989</i>
<i>Laid before Parliament</i>		<i>8th March 1989</i>
<i>Coming into force</i>		<i>1st April 1989</i>

THE CIVIL LEGAL AID (GENERAL) REGULATIONS 1989

PART I

GENERAL

1. Citation, commencement, revocations and transitional provisions
2. Scope
3. Interpretation
4. Area committees, Area Directors and legal aid areas
5. Powers exercisable by courts
6. Powers exercisable by Area Directors
7. Computation of time
8. Service of notices
9. Availability of documents to the court

PART II

APPLICATIONS FOR CERTIFICATES

10. Applications to be made to Area Directors
11. Form and lodgment of application
12. Contents of application
13. Applications by persons resident outside United Kingdom
14. Child Abduction and Custody Act 1985
15. Registration of certain foreign orders and judgments
16. Application on behalf of minors and patients
17. Power to transfer application to another area office
18. Reference to the assessment officer for assessment of resources

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

PART III

EMERGENCY CERTIFICATES

19. Application for emergency certificate
20. Refusal of emergency certificate
21. Issue and effect of emergency certificate
22. Duration of emergency certificate
23. Merger in substantive certificate
24. Extension and expiry of emergency certificate
25. Notification of extension of emergency certificate

PART IV

DETERMINATION OF APPLICATIONS

26. Power to notify other parties of application
27. Financial eligibility
28. Eligibility on the merits
29. Refusal where advantage trivial or on account of nature of proceedings
30. Refusal where other rights or facilities available
31. Determination of contribution
32. Proceedings in which others have an interest
33. Application in representative, fiduciary or official capacity

PART V

REFUSAL OF APPLICATIONS

34. Notification of refusal
35. Right of appeal against refusal
36. Time and form of appeal
37. Nature of appeal
38. Representation at appeal or other final application
39. Determination of appeal
40. Repeated refusal of certificates
41. Power to make prohibitory directions

PART VI

ISSUE AND EFFECT OF CERTIFICATES

42. Issue of certificate where no contribution may be payable
43. Offer of certificate where contribution payable
44. Undertaking to account for sums received from third parties
45. Acceptance and issue of certificate where contribution payable
46. Scope of certificates
47. Certificates to specify parties to proceedings
48. Power to restrict costs allowable to distant solicitor
49. Effect of certificates
50. Notification of issue of certificates

PART VII

AMENDMENT OF CERTIFICATE AND ADJUSTMENT OF CONTRIBUTION

51. Power to amend certificates

52. Power to alter contribution and amend certificate
53. Making and determination of applications for amendment
54. Procedure on issue of amendment
55. Right to show cause on application to remove limitation
56. Procedure on refusal of amendment
57. Right of appeal against refusal of amendment
58. Determination of appeal against refusal of amendment

PART VIII

AUTHORITY TO INCUR COSTS

59. Instructing counsel
60. Power of Board to give general authority
61. Other cases where authority may be sought
62. Reasons to be given for refusing authority
63. Effect of obtaining and failing to obtain authority
64. Restriction on payment otherwise than from the fund

PART IX

CONDUCT OF PROCEEDINGS

65. Restrictions on entrusting case to others
66. Duty to report changes of circumstances
67. Duty to report abuse of legal aid
68. Power of court to refer abuse to Area Director
69. Duty to report on refusing or giving up case
70. Duty to report progress of proceedings
71. Duty to report death, etc., of assisted person
72. Duty to report completion of case
73. Privilege, etc., not to prevent disclosure

PART X

REVOCATION AND DISCHARGE OF CERTIFICATES

74. Effect of revocation or discharge
75. Revocation or discharge of emergency certificate
76. Discharge of certificate on financial grounds
77. Discharge on the merits
78. Power to revoke or discharge for abuse of legal aid
79. Power to revoke or discharge for failure to provide information etc.
80. Further power to discharge
81. Opportunity to show cause against revocation or discharge
82. Notification of revocation or discharge
83. Effect of revocation or discharge on retainer
84. Costs to be taxed or assessed on revocation or discharge
85. Operation of statutory charge
86. Right to recover costs and contribution

PART XI

PROPERTY AND COSTS RECOVERED FOR ASSISTED PERSONS

87. Money recovered to be paid to solicitor or the Board
88. Notice to trustee in bankruptcy, etc.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

89. Exceptions to regulation 87
90. Solicitor to pay moneys recovered to the Board
91. Enforcement of orders, etc., in favour of assisted person
92. Retention and payment out of moneys by the Board
93. Operation of the statutory charge on moneys in court
94. Exemptions from the statutory charge
95. Vesting and enforcement of charges
96. Postponement of enforcement of charges over money
97. Postponement of enforcement of charges over land
98. Substitution of charged property
99. Payment and recovery of interest

PART XII

COSTS OF ASSISTED PERSONS

100. Payment on account
101. Payment on account of disbursements, in cases of hardship, etc
102. Deferment of solicitor's profit costs
103. Legal aid granted after costs incurred
104. Remuneration of counsel and solicitors in the Crown Court and magistrates' courts
105. Assessment of costs
106. Agreement in respect of costs
107. Taxation of costs
108. Failure to apply for taxation
109. Disallowance or reduction of costs
110. Solicitor's duty to safeguard the interests of the fund
111. Costs of applications, reports, etc., under these Regulations
112. Duty to inform counsel
113. Application to carry in objections to the taxation
114. Application to judge to review taxation
115. Appeal from review of taxation
116. Counsel dissatisfied with taxation
117. Objection by other party
118. Assisted person having no interest or adverse interest in taxation
119. Assisted person having financial interest in taxation
120. Costs to be paid out of the fund
121. Time limits, etc.
122. Appointment of solicitor to intervene

PART XIII

COSTS AWARDED AGAINST AN ASSISTED PERSON

123. Security for costs given by assisted person
124. Assisted person's liability for costs
125. Affidavit of means by unassisted party
126. Determination of liability for costs
127. Postponement, adjournment or referral of determination
128. Oral examination of parties
129. Order for costs
130. Variation of order for costs
131. Assisted person acting in representative, fiduciary or official capacity
132. Assisted person a minor

133. Order against next friend or guardian ad litem

PART XIV

COSTS OF UNASSISTED PARTIES OUT OF THE FUND

134. Time and form of application
135. Unassisted party acting in representative, fiduciary or official capacity
136. Appearance by unassisted party and Area Director
137. Applications in respect of magistrates' court proceedings
138. Applications in respect of county court proceedings
139. Procedure where application referred to registrar for determination
140. Reference to registrar for inquiry and report
141. Procedure on inquiry and report
142. Procedure where application adjourned
143. Applications in respect of proceedings in the Supreme Court and House of Lords
144. Procedure where application referred to master for determination
145. Reference to master for inquiry and report
146. Procedure on inquiry and report
147. Procedure where application adjourned

PART XV

PARTICULAR COURTS AND TRIBUNALS

148. The Lands Tribunal
149. The Employment Appeal Tribunal
150. The Commons Commissioners
151. The Restrictive Practices Court
Signature

SCHEDULE 1 — REGULATIONS REVOKED

SCHEDULE 2 — MATTERS TO BE INCLUDED IN AN AFFIDAVIT OF COSTS AND RESOURCES

1. An estimate of the unassisted party's inter partes costs of...
2. A statement, supported by evidence, of the unassisted party's financial...
3. A declaration that to the best of his knowledge and...
4. A declaration that the unassisted party has not at any...
5. A statement supported by evidence of the unassisted party's reasonable...
6. (1) If the unassisted party has, or at any relevant...
7. Full particulars of any application for legal aid made by...

Explanatory Note