
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace, with amendments, the Legal Aid (General) Regulations 1980 (as subsequently amended). The main changes made reflect the transfer of responsibility for administration of the legal aid scheme from the Law Society to the Legal Aid Board established by the Legal Aid Act 1988.

Other important changes are—

- (a) to require an assisted person's solicitor, where the Board makes such a request, to certify that it is reasonable for the assisted person to continue to receive legal aid (regulation 70(2), (3));
- (b) to make provision for payments on account of costs and fees incurred by solicitors and counsel and of disbursements (regulations 100, 101);
- (c) to make fresh provision for the deferment of solicitors' profit costs (regulation 102);
- (d) to provide for work done immediately prior to the issue of an emergency certificate to be deemed in certain circumstances to be work done under the certificate (regulation 103(6));
- (e) to provide (subject to the transitional provision in regulation 1(3)) for the assessment of costs by Area Directors, for reviews of such assessments by area committees, and for appeals from such reviews to a committee appointed by the Board (regulations 104, 105 and 106);
- (f) to require solicitors to inform counsel where counsel's fees are reduced or disallowed on assessment or taxation (regulations 105(8), 106(3) and 112); and
- (g) to enable assisted persons who have a financial interest in the taxation of costs to take steps to safeguard their interest (regulation 119).