
STATUTORY INSTRUMENTS

1989 No. 339

The Civil Legal Aid (General) Regulations 1989

PART XV

PARTICULAR COURTS AND TRIBUNALS

The Lands Tribunal

148.—(1) In this regulation—

“the tribunal” means the Lands Tribunal established by section 1(1)(b) of the Lands Tribunal Act 1949(1) and

“the registrar” means the registrar of the tribunal.

(2) Except in so far as otherwise provided by this regulation, these Regulations shall apply to applications for legal aid for proceedings in the tribunal and in the conduct of all proceedings in it for which a certificate is granted in like manner as they apply to applications for legal aid for, and the conduct of, proceedings in any court.

(3) Where any power to do any act or exercise any jurisdiction or discretion is conferred by these Regulations on a court it shall be exercised by the tribunal and may, unless it is exercisable only during the hearing of the proceedings, be exercised by the registrar.

(4) Notwithstanding anything in regulation 105 or 107, the following provisions shall have effect in relation to proceedings in the tribunal to which an assisted person is a party—

- (a) where a final decision is given in writing by the tribunal, it shall, in addition to any direction as to costs, contain a direction that the costs of any assisted person shall be taxed on the standard basis and the costs shall be so taxed by the registrar;
- (b) where the proceedings are brought to an end without a direction having been given under sub-paragraph (a), the costs of any assisted person shall be taxed by the registrar on the standard basis; and
- (c) in taxing the costs of any assisted person the registrar shall have power to determine as the appropriate scale for the taxation, one of the scales of costs for the time being prescribed by the County Court Rules 1981(2).

The Employment Appeal Tribunal

149.—(1) In this regulation—

“the Appeal Tribunal” means the Employment Appeal Tribunal established under section 135(1) of the Employment Protection (Consolidation) Act 1978(3); and

“the registrar” means the registrar of the Appeal Tribunal and includes any officer of the Appeal Tribunal authorised to act on behalf of the registrar.

(1) 1949 c. 42.

(2) S.I.1981/1687; the relevant amending instrument is S.I. 1986/636.

(3) 1978 c. 44; section 135(1) was amended by the Employment Act 1980 (c. 42), Schedule 2.

(2) Except in so far as otherwise provided by this regulation, these Regulations shall apply to applications for legal aid for proceedings in the Appeal Tribunal and to the conduct of all proceedings in it for which a certificate is granted, in the same way as they apply to applications for legal aid for, and the conduct of, proceedings in any court.

(3) Where any power to do any act or exercise any jurisdiction or discretion is conferred by these Regulations on a court, it shall, in relation to proceedings in the Appeal Tribunal, be exercised by that Tribunal and may, unless it is exercisable only during the hearing of the proceedings by a judge or member of the Appeal Tribunal or by the Appeal Tribunal as required to be constituted by paragraph 16 of Schedule 11 to the Employment Protection (Consolidation) Act 1978, be exercised by the registrar.

(4) Where it appears to the Area Director that an application for a certificate relates to proceedings in the Appeal Tribunal which are likely to be conducted in Scotland, he shall transmit the application forthwith to the Chief Executive of the Legal Aid Board in Scotland and shall notify the applicant and his solicitor accordingly.

(5) Where it appears to the Area Director doubtful whether the proceedings to which an application for a certificate relates will be conducted in the Appeal Tribunal in England and Wales or in Scotland, he shall request the registrar to determine that question and that determination shall be binding upon the Area Director.

(6) Where a certificate has been issued and there is a change of circumstances regarding the conduct of the proceedings in that, by direction of the Appeal Tribunal, they will be wholly or partly conducted in Scotland—

- (a) the certificate shall remain in force;
- (b) the assisted person shall continue to be represented in the proceedings in Scotland by the solicitor who represented him in England and that solicitor may instruct either a member of the English or the Scottish Bar; and
- (c) no question as to the propriety of appearing in Scotland shall be raised on a taxation or on an assessment in accordance with regulation 105.

(7) The costs of an assisted person in respect of proceedings in the Appeal Tribunal shall be assessed in accordance with regulation 105 or taxed on the standard basis by a taxing master of the Supreme Court and the provisions of Order 62 of the Rules of the Supreme Court 1965 shall apply, with the necessary modifications, to the taxation of those costs as if the proceedings in the Appeal Tribunal were a cause or matter in the Supreme Court.

The Commons Commissioners

150.—(1) In this regulation, “a commissioner” means a Commons Commissioner appointed under section 17(1) of the Commons Registration Act 1965(4).

(2) Except in so far as otherwise provided by this regulation, these Regulations shall apply to applications for legal aid for proceedings before a commissioner and to the conduct of all proceedings before him for which a certificate is granted, in the same way as they apply to applications for legal aid for, and the conduct of, proceedings in any court.

(3) Where any power to do any act or exercise any jurisdiction or discretion is conferred on a court by these Regulations, it shall, in relation to proceedings before a commissioner, be exercised by him.

(4) The costs of an assisted person in respect of proceedings before a commissioner shall be taxed (or assessed) as if they were costs of proceedings in a county court.

The Restrictive Practices Court

151.—(1) In this regulation—

“the Court” means the Court established by section 1 of the Restrictive Practices Court Act 1976⁽⁵⁾, and

“the proper officer of the Court” shall have the same meaning as in the Restrictive Practices Court Rules 1976⁽⁶⁾.

(2) Except in so far as otherwise provided by this regulation, these Regulations shall apply to applications for legal aid for proceedings in the Court under Part III of the Fair Trading Act 1973⁽⁷⁾ and to any proceedings in the Court in consequence of an order made, or undertaking given to the Court, under that Part of that Act, and to the conduct of all such proceedings for which a certificate is granted, in the same way as they apply to applications for legal aid for, and the conduct of, proceedings in any court.

(3) Where any power to do any act or exercise any jurisdiction or discretion is conferred by these Regulations on a court it shall in relation to proceedings in the Court be exercised by that Court and may, unless it is exercisable only during the hearing of any proceedings by a judge or by the Court, be exercisable by the proper officer of the Court.

(4) Where it appears to the Area Director that an application for a certificate relates to proceedings in the Court which are likely to be conducted in Scotland or Northern Ireland, he shall transmit the application forthwith to the Chief Executive of the Legal Aid Board in Scotland or the Secretary of the Legal Aid Department of the Incorporated Law Society of Northern Ireland, as the case may be, and shall notify the applicant and his solicitor accordingly.

(5) Where it appears to the Area Director doubtful whether the proceedings to which an application for a certificate relates will be conducted in the Court in England and Wales or in Scotland or Northern Ireland, he shall request the proper officer of the Court to determine that question and that determination shall be binding upon the Area Director.

(6) Where a certificate has been issued and there is a change of circumstances regarding the conduct of the proceedings in that, by order of the Court, they will be wholly or partly conducted in Scotland or Northern Ireland—

(a) the certificate shall remain in force; and

(b) for any proceedings in Scotland—

(i) the assisted person shall continue to be represented in the proceedings by the solicitor who represented him in England and Wales and that solicitor may instruct a member of the English or the Scottish Bar; and

(ii) no question as to the propriety of appearing in Scotland shall be raised on a taxation or on an assessment in accordance with regulation 105; and

(c) for any proceedings in Northern Ireland, the assisted person shall continue to be represented in the proceedings by the solicitor who represented him in England and Wales and that solicitor shall instruct as his agent a solicitor on the panel maintained by the Incorporated Law Society of Northern Ireland of solicitors willing to act for assisted persons before the Court.

(7) The costs of an assisted person in respect of proceedings in the Court shall be assessed in accordance with regulation 105 or taxed on the standard basis by a taxing master of the Supreme Court, and the provisions of Order 62 of the Rules of the Supreme Court 1965 shall apply, with the necessary modifications, to the taxation of those costs as if the proceedings in the Court were a cause or matter in the Supreme Court.

(5) 1976 c. 33.

(6) S.I. 1976/1897; the relevant amending instrument is S.I. 1982/871.

(7) 1973 c. 41.

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