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STATUTORY INSTRUMENTS

1989 No. 560

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Advice and Assistance (Amendment) Regulations 1989

<i>Made - - - -</i>	<i>23rd March 1989</i>
<i>Laid before Parliament</i>	<i>30th March 1989</i>
<i>Coming into force</i>	<i>1st April 1989</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 2, 34 and 43 of the Legal Aid Act 1988(a), having consulted the General Council of the Bar and the Law Society and with the consent of the Treasury, hereby makes the following Regulations:-

Citation and commencement

1. These Regulations may be cited as the Legal Advice and Assistance (Amendment) Regulations 1989 and shall come into force on 1st April 1989.

Basis of assessments

2. For regulation 30 of the Legal Advice and Assistance Regulations 1989(b) there shall be substituted the following new regulation:-

"Basis of assessments

30.—(1) In any assessment or review of a claim for costs made under these Regulations the amount to be allowed shall, subject to paragraph (2), be assessed in accordance with the provisions of regulation 6 of and Schedule 1, Part I, paragraph 1(a) to the Costs Regulations as if the work done was work to which those provisions applied.

(2) Where the claim is in respect of ABWOR to which regulation 5 applies and which is given in unsocial hours (as defined in regulation 2 of the Legal Advice and Assistance at Police Stations (Remuneration) Regulations 1989(c)), by a solicitor designated in accordance with arrangements made by the Board under regulation 6(3), the amount to be allowed under paragraph (1) shall be increased by one third."

Dated 22nd March 1989,

Mackay of Clashfern, C.

We consent

*Alan Howarth
Kenneth Carlisle*

Dated 23rd March 1989

Two of the Lords Commissioners of Her Majesty's Treasury

(a) 1988 c.34.
(b) S.I. 1989/340.
(c) S.I. 1989/342.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the provisions of the Legal Advice and Assistance Regulations 1989 (S.I. 1989/340) about remuneration of assistance by way of representation given by duty solicitors in respect of applications for warrants of further detention. Although the intention of regulation 30 of those Regulations was to continue current arrangements, one of its effects would in fact have been to reduce remuneration for the advocacy element of such work. Accordingly, these Regulations restore the current arrangements under which such work is remunerated at a rate one third above the rate for similar work done in normal hours.

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