
STATUTORY INSTRUMENTS

1991 No. 2784

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

**The Civil Legal Aid (General)
(Amendment) (No. 3) Regulations 1991**

Made - - - - 9th December 1991
Laid before Parliament 11th December 1991
Coming into force - - 1st January 1992

The Lord Chancellor, in exercise of the powers conferred on him by sections 6(3), 34 and 43 of the Legal Aid Act 1988(1), having had regard to the matters specified in section 34(9) and 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 Civil Legal Aid (General) (Amendment) (No. 3) Regulations 1991 and shall come into force on 1st January 1992.

Interpretation

2. In regulations 4 to 6 of these Regulations a regulation referred to by number means a regulation so numbered in the Civil Legal Aid (General) (Regulations 1989(2)).

Amendment of the Civil Legal Aid (General) (Amendment) (No. 2) Regulations 1991(3)

3. Regulations 17, 19 and 21 of the Civil Legal Aid (General) (Amendment) (No. 2) Regulations 1991 shall be revoked.

(1) 1988 c. 34; section 34 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 63. Section 43 is an interpretation provision and is cited because of the meaning assigned to the word “regulations”
(2) S.I.1989/339, as amended by S.I. 1991/524 and S.I. 1991/2036.
(3) S.I. 1991/2036.

Amendment of the Civil Legal Aid (General) Regulations 1989

4. In regulations 96(3)(b) and 97(4) for the words from “at the rate” to the words “per annum” there shall be substituted, in respect of interest accruing on or after 1st January 1992, the words “at the rate of 10½ per cent per annum”.

5. After regulation 105 there shall be inserted the following new regulation:–

“Assisted person having financial interest in assessment

105A.—(1) Where an assisted person has a financial interest in any assessment, review or appeal under regulation 105 he shall have a right to make written representations to the Area Director, appropriate area committee or committee appointed by the Board as the case may be within 21 days of being notified of the right to make such representations.

(2) On an assessment to which paragraph (1) applies it shall be the duty of an assisted person’s solicitor–

- (a) to supply him with a copy of his bill;
- (b) to inform him of the extent of his financial interest and his right to make written representations; and
- (c) to endorse on the bill that the assisted person has a financial interest in the assessment and that he has complied with sub-paragraphs (a) and (b) above.

(3) Where a legal representative wishes to apply for a review of the assessment of the Area Director or appeal against a decision of the area committee under regulation 105 and the assisted person has exercised his right to make representations prior to the assessment, the legal representative shall notify the assisted person of the decision to be reviewed or appealed, the grounds of appeal and his right to make further written representations.”.

6. For regulation 119 there shall be substituted the following new regulation:–

“Assisted person having financial interest in taxation

119.—(1) Where the assisted person has a financial interest in the taxation it shall be the duty of his solicitor–

- (a) to supply him with a copy of his bill;
- (b) to inform him of the extent of his financial interest and the steps which can be taken to safeguard that interest and, if the assisted person so requests, to give notice in accordance with rules of court to the taxing officer that the assisted person has such an interest; and
- (c) to endorse on the bill that the assisted person has a financial interest in the taxation and that he has complied with sub-paragraphs (a) and (b) above.

(2) Where the assisted person has a financial interest in the taxation he shall not be required to make any contribution to the fund on account of the costs of the taxation proceedings and the charge created by section 16(6) of the Act shall not apply in relation to any resulting increase in the net liability of the fund arising out of the costs of the taxation proceedings.”.

5th December 1991

Mackay of Clashfern, C.

We consent,

9th December 1991

Sydney Chapman
Irvine Patnick
Two of the Lords Commissioners of Her
Majesty's Treasury

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (General) Regulations 1989 by reducing the rate of interest chargeable where enforcement of the statutory charge is postponed to 10½% (regulations 3 and 4) and amending the regulations imposing certain duties on solicitors where an assisted person has a financial interest in the assessment or taxation so as to restrict these duties only to the cases where the assisted person actually has such an interest (regulations 3, 5 and 6).