
STATUTORY INSTRUMENTS

1991 No. 838

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

**The Legal Aid in Criminal and Care Proceedings
(Costs) (Amendment)(No. 2) Regulations 1991**

<i>Made</i>	- - - -	<i>25th March 1991</i>
<i>Laid before Parliament</i>		<i>10th April 1991</i>
<i>Coming into force</i>	- -	<i>1st May 1991</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 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:

1. These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (Costs) (Amendment) (No. 2) Regulations 1991 and shall come into force on 1st May 1991.

2. In these Regulations a regulation referred to by number means a regulation so numbered in the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989(2).

3.—(1) At the end of regulation 2(1) there shall be inserted the following new definition—
“wasted costs order” has the meaning assigned to it by regulation 3A of the Costs in Criminal Cases (General) Regulations 1986(3).

(2) After regulation 9 there shall be inserted the following new regulation—

“9A.—(1) Subject to paragraph (2), where the court has disallowed the whole or any part of any wasted costs under section 19A of the Prosecution of Offences Act 1985(4) the appropriate authority, in determining costs in respect of work done by the legal representative against whom the wasted costs order was made, shall deduct the amount of the order from the amount otherwise payable in accordance with these Regulations.

(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. 1989/343, amended by S.I. 1990/488 and 1991/529.
(3) S.I. 1986/1335, as amended by S.I. 1991/789.
(4) 1985 c. 23, as inserted by the Courts and Legal Services Act 1990 (c. 41), section 111.

Status: This is the original version (as it was originally made).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

(2) Where the appropriate authority, in accordance with these Regulations, is minded to disallow any amount of a claim for work done to which the wasted costs order relates it shall disallow that amount or the amount of the wasted costs order, whichever is the greater.”

21st March 1991

Mackay of Clashfern, C.

We consent,

25th March 1991

Thomas Sackville
Irvine Patnick
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989 by providing for the determining authorities to disallow the amount of costs which a court may order a legal representative to pay personally under section 19A of the Prosecution of Offences Act 1985 (a “wasted costs order”). Provision is made for the determining authority to disallow a greater amount if so authorised by the determination carried out under the regulations.