
STATUTORY INSTRUMENTS

1992 No. 2874

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

**The Legal Advice and Assistance
(Scope) (Amendment) Regulations 1992**

Made - - - - 17th November 1992

Coming into force - - 23rd November 1992

Whereas a draft of the above Regulations has been laid before and approved by resolution of each House of Parliament:

Now, therefore, the Lord Chancellor, in exercise of the powers conferred on him by sections 8 and 43 of the Legal Aid Act 1988⁽¹⁾ hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Legal Advice and Assistance (Scope) (Amendment) Regulations 1992 and shall come into force on 23rd November 1992.

(2) In these Regulations a regulation referred to by number means the regulation so numbered in the Legal Advice and Assistance (Scope) Regulations 1989⁽²⁾.

2. Regulation 2 shall be amended as follows—

- (a) the definition of “board of visitors” shall be deleted;
- (b) after the definition of “conveyancing services” the following definitions shall be inserted—

““discretionary life prisoner” has the meaning assigned by section 34(1) of the Criminal Justice Act 1991⁽³⁾;

“governor” has the meaning assigned by rule 99 of the Prison Rules 1964⁽⁴⁾”;

- (c) after the definition of “mental disorder” the following definition shall be inserted—

““the Parole Board” has the meaning assigned by section 32 of the Criminal Justice Act 1991”.

3. In regulation 9, for sub-paragraph (b) there shall be substituted the following—

(1) 1988 c. 34; section 43 is an interpretation provision and is cited because of the meaning assigned to the word “regulations”. There are amendments to the Act not relevant to this instrument.
(2) S.I. 1989/550; there are amendments not relevant to this instrument.
(3) 1991 c. 53.
(4) S.I. 1964/388, as amended by paragraph 18 of the Schedule to the Prison (Amendment) Rules 1992, S.I. 1992/514.

Status: This is the original version (as it was originally made).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

- “(b) to a prisoner who has been permitted by the governor to be legally represented in proceedings before him;
- (c) to a discretionary life prisoner whose case is referred to the Parole Board under sections 34(4) or (5) or 39(4) of the Criminal Justice Act 1991.”.

Dated 17th November 1992

Mackay of Clashfern, C.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Advice and Assistance (Scope) Regulations 1989 by—

- (a) substituting a reference to disciplinary proceedings before a prison governor for references to proceedings before a board of visitors; this is consequential on changes to the Prison Rules 1964;
- (b) extending the scope of assistance by way of representation (ABWOR) to proceedings before the Parole Board under the Criminal Justice Act 1991 in respect of discretionary life prisoners.