
STATUTORY INSTRUMENTS

1994 No. 1825

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

**The Legal Aid in Criminal and Care Proceedings
(Costs) (Amendment) (No. 2) Regulations 1994**

<i>Made</i>	- - - -	<i>5th July 1994</i>
<i>Laid before Parliament</i>		<i>11th July 1994</i>
<i>Coming into force</i>	- -	<i>1st August 1994</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 25(2), 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 Legal Aid in Criminal and Care Proceedings (Costs) (Amendment) (No. 2) Regulations 1994 and shall come into force on 1st August 1994.

Interpretation

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

Amendment of the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989

3. In the Arrangement of Regulations, after the reference to regulation 4D there shall be inserted the following:—

“4E. Interim payments under franchising contracts.”.

4. Regulation 2 shall be amended by inserting—

(a) after the definition of “appropriate area committee” the following definition:—

(1) 1988 c. 34; sections 25(2), 34 and 43 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60 and 63. Section 43 is an interpretation provision and is cited because of the meaning assigned to the word “regulations”.
(2) S.I.1989/343; the relevant amending instruments are 1991/838 and 1993/934.

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““contract” means a contract entered into by the Board with other persons or bodies pursuant to its powers under section 4 of the Act;”;

(b) after the definition of “fee-earner” the following definition:—

““franchisee” means a person or body (other than the Board) acting under the terms of a franchising contract;”.

5. After regulation 4D, the following new regulation shall be inserted:—

“Interim payments under franchising contracts

4E. Where representation under Part V of the Act is provided under a franchising contract for criminal proceedings in a magistrates' court, the franchisee may apply to the Board when the legal aid order is granted for an interim payment in respect of a claim for costs in accordance with the contract.”.

Dated 1st July 1994

Mackay of Clashfern, C.

We consent,

Dated 5th July 1994

Tim Wood
Andrew MacKay
Two of the Lords Commissioners of Her
Majesty’s Treasury

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989 to take account of the Legal Aid Board's franchising scheme. The Board has power under section 4 of the Legal Aid Act 1988 to enter into contracts for the provision of representation in criminal proceedings in magistrates' courts. Where representation is provided under a franchising contract the franchisee may claim an interim payment.