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STATUTORY INSTRUMENTS

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**1994 No. 2768**

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

**The Legal Aid (Scope) Regulations 1994**

*Made* - - - - *28th October 1994*

*Coming into force* - - *1st November 1994*

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, 14 and 43 of the Legal Aid Act 1988(1), and with the consent of the Treasury as to regulation 2, hereby makes the following Regulations:—

1. These Regulations may be cited as the Legal Aid (Scope) Regulations 1994 and shall come into force on 1st November 1994.

**Amendment of the Legal Aid Act 1988**

2. In paragraph 2 of Part I of Schedule 2 to the Legal Aid Act 1988 the following sub-paragraph shall be added after sub-paragraph (h)(2)—

“(i) proceedings under section 30 of the Human Fertilisation and Embryology Act 1990(3).”.

**Amendment of the Legal Advice and Assistance (Scope) Regulations 1989(4)**

3. In regulation 2 of the Legal Advice and Assistance (Scope) Regulations 1989, after the definition of “conditional sale agreement”, the following definition shall be inserted—

““Controller” means a person appointed by the Secretary of State pursuant to section 85(1)(b) of the Criminal Justice Act 1991(5).”.

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(1) 1988 c. 34; sections 14 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 meanings assigned to the words “prescribed” and “regulations”.

(2) Sub-paragraph 2(h) of Part I of Schedule 2 to the Legal Aid Act 1988 was added by S.I.1993/1354.

(3) 1990 c. 37.

(4) S.I. 1989/550 as amended by S.I. 1990/1477 and S.I. 1992/2874.

(5) 1991 c. 53.

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**Status:** This is the original version (as it was originally made).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

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4. Regulation 9(b) of the Legal Advice and Assistance (Scope) Regulations 1989(6) shall be amended by adding after “the governor” the words “or Controller”.

Dated 27th October 1994

*Mackay of Clashfern, C.*

We consent,

Dated 28th October 1994

*Tim Wood*  
*Derek Conway*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

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(6) Regulation 9(b) of the Legal Advice and Assistance (Scope) Regulations 1989 was substituted by S.I. [1992/2874](#).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations extend the scope of legal aid as follows—

- (1) the categories of proceedings for which civil legal aid is available are extended to include proceedings in a magistrates' court under section 30 of the Human Fertilisation and Embryology Act 1990 (parental orders in favour of gamete donors), and
- (2) assistance by way of representation (ABWOR) is extended to prisoners at disciplinary hearings conducted by the Controller of a contracted out prison.