
STATUTORY INSTRUMENTS

1994 No. 807

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

**The Legal Aid in Criminal and Care Proceedings
(General) (Amendment) Regulations 1994**

<i>Made</i>	- - - -	<i>17th March 1994</i>
<i>Laid before Parliament</i>		<i>21st March 1994</i>
<i>Coming into force</i>	- -	<i>11th April 1994</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 21(5), 23, 34 and 43 of the Legal Aid Act 1988(1), 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 (General) (Amendment) Regulations 1994 and shall come into force on 11th April 1994.

Interpretation

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

Transitional Provisions

3. These Regulations shall apply to applications for legal aid made on or after 11th April 1994 and applications made before that date shall be treated as if these Regulations had not come into force.

Amendments of the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989

4. In regulation 23, for paragraph (2)(3) there shall be substituted the following:—

(1) 1988 c. 34; sections 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.1989/344, as amended by S.I.1990/489, S.I.1991/637 and 1925, S.I.1992/720 and S.I.1993/789 and 1895.
(3) As substituted by regulation 5 of S.I.1993/1895.

“(2) Subject to paragraphs (3) and (4), where an applicant does not submit a statement of means when he applies for legal aid, the proper officer or the court to which the application is being made shall require him to do so.

(2A) Subject to paragraphs (3) and (4), where an applicant submits a statement of means but neither provides supporting documentary evidence nor supplies an explanation in writing of why it was not reasonably practicable to do so, the proper officer or the court to which the application is being made shall require him to provide such evidence or else supply such written explanation.”.

5. Regulation 24 shall be amended as follows—
 - (a) in paragraph (2)(a), for “he was unable to provide” there shall be substituted “it was not reasonably practicable to provide supporting”;
 - (b) at the end of paragraph (2), for “he is no longer unable to do so” there shall be substituted “it has become reasonably practicable to do so”.
6. Schedule 4 shall be amended by substituting “£46” for “£44” and “£47” for “£45”.

Dated 14th March 1994

Mackay of Clashfern, C.

We consent,

Dated 17th March 1994

Andrew Mackay
Irvine Patnick
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989 by—

- (1) increasing the income limit for non-contributory criminal legal aid from £44 per week to £46 per week (Schedule 4);
- (2) stating explicitly that the power in regulation 23 to require documentary evidence or an explanation of why none has been provided does not apply when an explanation has already been supplied in the statement of means;
- (3) altering the wording of regulation 24 to accord with that used in regulation 23.