
STATUTORY INSTRUMENTS

1996 No. 641

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

**The Legal Advice and Assistance
(Amendment) (No.2) Regulations 1996**

<i>Made</i>	- - - -	<i>7th March 1996</i>
<i>Laid before Parliament</i>		<i>11th March 1996</i>
<i>Coming into force</i>		
<i>All provisions except regulations 2(1) and 3</i>		<i>1st April 1996</i>
<i>Regulations 2(1) and 3</i>		<i>8th April 1996</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 9, 34 and 43 of the Legal Aid Act 1988(1), and having had regard to the matters specified in section 34(9) and having consulted the General Council of the Bar and the Law Society and with the consent of the Treasury, hereby makes the following Regulations:—

Citation, commencement and interpretation provisions

1.—(1) These Regulations may be cited as the Legal Advice and Assistance (Amendment) (No.2) Regulations 1996 and shall come into force on 1st April 1996 except for regulations 2(1) and 3 which shall come into force on 8th April 1996.

(2) In regulations 3 and 4, a regulation or Schedule referred to by number means the regulation or Schedule so numbered in the Legal Advice and Assistance Regulations 1989(2).

Transitional provisions

2.—(1) Regulation 3 shall apply to applications for advice and assistance made on or after 8th April 1996 and applications made before that date shall be treated as if these Regulations had not come into force.

(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.1989/340; the relevant amending instruments are S.I. 1989/560, 1990/486, 1991/636, 2305, 1992/591, 719, 2654, 1993/790, 1994/805, 1823, 1995/795 and 949.

(2) Regulation 4 shall apply for the purposes of work done on or after 1st April 1996 to which the Legal Advice and Assistance Regulations 1989 apply.

Amendments to the Legal Advice and Assistance Regulations 1989

3.—(1) Regulation 11 shall be amended by substituting

- (a) “£75” for “£72” in paragraph (1) and
- (b) “£162” for “£156” in paragraph (2).

(2) Regulation 12 shall be amended by substituting

- (a) “£67” for “£64” in each of the places where that amount is stated in paragraphs (1), (2) and (5) and
- (b) “£162” for “£156” in paragraph (1).

4. Schedule 6 shall be amended by substituting—

- (a) for the Table following paragraph 1, the following

<i>Class of work</i>	<i>Rate</i>	
Preparation	£44.00 per hour —	(£46.50 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy	£55.25 per hour	
Attendance at court where counsel assigned	£30.00 per hour	
Travelling and waiting	£24.50 per hour	
Routine letters written and routine telephone calls	£3.40 per item —	(£3.55 per item for a fee-earner whose office is situated within legal aid area 1)

- (b) for the Table following paragraph 2, the following

<i>Class of work</i>	<i>Rate</i>	
Preparation	£45.50 per hour —	(£48.25 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy	£57.25 per hour	
Attendance at court where counsel assigned	£31.00 per hour	
Travelling and waiting	£25.50 per hour	
Routine letters written and routine telephone calls	£3.55 per item —	(£3.70 per item for a fee-earner whose office is situated within legal aid area 1)

- (c) for the Table following paragraph 3, the following

<i>Class of work</i>	<i>Rate</i>	
Preparation	£52.75 per hour —	(£56.25 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy	£64.00 per hour	
Attendance at court where counsel assigned	£30.00 per hour	
Travelling and waiting	£24.50 per hour	
Routine letters written and routine telephone calls	£3.75 per item	

(d) for the Table following paragraph 4, the following

<i>Class of work</i>	<i>Rate</i>	
Preparation	£54.50 per hour —	(£58.25 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy	£66.25 per hour	
Attendance at court where counsel assigned	£31.00 per hour	
Travelling and waiting	£25.50 per hour	
Routine letters written and routine telephone calls	£3.90 per item	

Dated 5th March 1996

Mackay of Clashfern, C.

We consent,

Dated 7th March 1996

Simon Burns
Derek Conway
Two of the Lords Commissioners of Her Majesty's Treasury

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Advice and Assistance Regulations 1989.

Regulation 3 increases, with effect from 8th April 1996, the income limits for legal advice and assistance (other than assistance by way of representation “ABWOR”) from £72 to £75; for non-contributory ABWOR from £64 to £67, and for contributory ABWOR from £156 to £162.

Regulation 4 provides increased rates of remuneration for legal advice and assistance given on or after 1st April 1996.