
STATUTORY INSTRUMENTS

1997 No. 416

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

The Civil Legal Aid (General) (Amendment) Regulations 1997

Made - - - - *18th February 1997*
Laid before Parliament *24th February 1997*
Coming into force - - *31st March 1997*

The Lord Chancellor, in exercise of the powers conferred on him by sections 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 Civil Legal Aid (General) (Amendment) Regulations 1997 and shall come into force on 31st March 1997.

Interpretation

2 In these Regulations a reference to any regulation by number alone means the regulation so numbered in the Civil Legal Aid (General) Regulations 1989(2).

Amendments to the Civil Legal Aid (General) Regulations 1989

3. Regulation 78(1)(a) shall be amended as follows:—

- (a) after “a certificate” there shall be inserted “(whether for the same or different proceedings)”;
- (b) “in connection with the same proceedings” shall be omitted.

4. In regulation 79, after “these Regulations” there shall be inserted “whether in respect of the same or different proceedings”.

5. Regulation 94 shall be amended as follows:—

- (a) in paragraph (d)(ix), the final “or” shall be omitted;

(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 given to “regulations”.

(2) S.I.1989/339, as amended by S.I. 1991/2036 and 1996/649.

Status: This is the original version (as it was originally made).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

(b) after paragraph (d) there shall be inserted the following:—

“(dd) any tools of the assisted person’s trade;”;

(c) in paragraph (f), the final “or” shall be omitted;

(d) after paragraph (f) there shall be inserted the following:—

“(ff) any payment made by the Secretary of State under the Earnings Top-up Scheme 1996(3); or”.

6. After regulation 101(1) there shall be inserted the following new paragraph—

“(1A) A solicitor who has acted for an assisted person may make an application under paragraph (1)(a) notwithstanding that the proceedings to which the certificate related have concluded and that the certificate has been revoked or discharged.”.

Dated 11th February 1997

Mackay of Clashfern, C.

We consent,

Patrick McLoughlin

Roger M. Knapman

Two of the Lords Commissioners of Her
Majesty’s Treasury

Dated 18th February 1997

(3) This Scheme, which applies only in certain areas of Great Britain, is an extra-statutory Scheme introduced by the Secretary of State for Social Security having effect on 8th October 1996. Copies of the Rules of the Scheme may be obtained from the Customer Services Manager, Earnings Top-up, Norcross, Blackpool FY5 3TA and will be available for inspection at the Department of Social Security, 9th Floor, Adelphi, 1-11 John Adam Street, London WC2N 6HT and offices of the Benefits Agency and Employment Job Centres which serve the areas specified in Schedule 1 to the Scheme.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (General) Regulations 1989 so that:—

- (a) the Area Director may revoke or discharge a certificate where the assisted person has made an untrue statement, failed to disclose a material fact or failed to attend for an interview or to provide information or documents in connection with a legal aid application, whether in the same or different proceedings (*regulations 3 and 4*);
- (b) the statutory charge on property recovered or preserved for the assisted person does not extend to the tools of his trade or to any payment made by the Secretary of State under the Earnings Top-up Scheme (*regulation 5*);
- (c) payments on account of disbursements may be made after the discharge or revocation of the legal aid certificate (*regulation 6*).