
STATUTORY INSTRUMENTS

1998 No. 2831

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

**The Legal Advice and Assistance
(Scope) (Amendment) Regulations 1998**

Made - - - - 17th November 1998

Coming into force in accordance with regulation 1

The Lord Chancellor, in exercise of the powers conferred on him by sections 8 and 43 of the Legal Aid Act 1988(1), makes the following Regulations, a draft of which has been laid before and approved by resolution of each House of Parliament:

Citation and commencement

1. These Regulations may be cited as the Legal Advice and Assistance (Scope) (Amendment) Regulations 1998 and shall come into force:

- (a) as to regulation 5 of these Regulations, on the date on which section 1 of the Crime and Disorder Act 1998(2) comes into force;
- (b) as to the remainder of these Regulations, on 1st December 1998.

Interpretation

2. In these Regulations a reference to a regulation by number alone means the regulation so numbered, and “Arrangement of Regulations” means the Arrangement of Regulations, in the Legal Advice and Assistance (Scope) Regulations 1989(3).

Amendments to Legal Advice and Assistance (Scope) Regulations 1989

3. In the Arrangement of Regulations after “8. Proceedings in county courts.” there shall be inserted:

“8A. Proceedings in the Crown Court.”

(1) 1988 c. 34; section 43 was 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) 1998 c. 37.
(3) S.I.1989/550; amended by S.I. 1990/1477, 1992/2874, 1994/2768, 1995/1987 and 1997/997.

4. After regulation 7(4) there shall be inserted:

“(5) Part III of the Act applies to ABWOR given to:

- (a) a respondent in proceedings in a magistrates' court under the following sections of the Crime and Disorder Act 1998:
 - (i) section 2 (sex offender orders);
 - (ii) section 11 (child safety orders); or
 - (iii) section 8 (parenting orders), where the application is for a parenting order by virtue of section 8(1)(a), (b) or (c); or
- (b) an applicant in proceedings in a magistrates' court to vary or discharge an order made against that applicant, or a respondent in proceedings in a magistrates' court to vary or discharge an order made against that respondent, under any of the provisions referred to in sub-paragraph (a) above.”.

5. After regulation 7(5) there shall be inserted:

“(6) Part III of the Act applies to ABWOR given to:

- (a) a respondent in proceedings in a magistrates' court under section 1 of the Crime and Disorder Act 1998 (anti-social behaviour orders); or
- (b) an applicant in proceedings in a magistrates' court to vary or discharge an anti-social behaviour order made against that applicant, or a respondent in proceedings in a magistrates' court to vary or discharge an anti-social behaviour order made against that respondent, under that section.”.

6. After regulation 8 there shall be inserted:

“Proceedings in the Crown Court

8A. Part III of the Act applies to ABWOR given to:

- (a) an appellant in an appeal to the Crown Court under section 4 or section 10 of the Crime and Disorder Act 1998;
- (b) a respondent in proceedings in the Crown Court under section 8 of the Crime and Disorder Act 1998, where the application is for a parenting order made against him by virtue of section 8(1)(c) of that Act; or
- (c) an applicant in proceedings in the Crown Court to vary or discharge an order made against that applicant, or a respondent in proceedings in the Crown Court to vary or discharge an order made against that respondent, under the provision referred to in sub-paragraph (b) above.”.

Dated 17th November 1998

Irvine of Lairg, C.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Advice and Assistance (Scope) Regulations 1989 to make assistance by way of representation (ABWOR) available in proceedings under sections 1, 2, 11 and, in some circumstances, section 8 of the Crime and Disorder Act 1998, which relate respectively to anti-social behaviour orders, sex offender orders, child safety orders and parenting orders. It also extends the availability of ABWOR to appeals to the Crown Court against anti-social behaviour orders, sex offender orders and parenting orders.