
STATUTORY INSTRUMENTS

1998 No. 2908

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

**The Legal Aid in Criminal and Care Proceedings
(Costs) (Amendment) (No. 3) Regulations 1998**

<i>Made</i>	- - - -	<i>19th November 1998</i>
<i>Laid before Parliament</i>		<i>25th November 1998</i>
<i>Coming into force</i>	- -	<i>4th January 1999</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 25(2), 34 and 43 of the Legal Aid Act 1988(1), 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, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (Costs) (Amendment) (No. 3) Regulations 1998 and shall come into force on 4th January 1999.

Interpretation

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

Amendments to the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989

3.—(2) In regulation 2(1), after the definition of “the General Regulations”, there shall be inserted the following definitions:

““send for trial” means send for trial under section 51 of the Crime and Disorder Act 1998(3) and “sent for trial” and “sending for trial” shall be construed accordingly.

(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.1989/343. Relevant amendments are noted below.
(3) 1998 c. 37.

“sending proceedings” means criminal proceedings in a magistrates' court where the legally aided person is sent for trial.”

(2) In regulation 3(1)(b) after “criminal proceedings in the Crown Court” there shall be inserted “and any sending proceedings associated with criminal proceedings in the Crown Court”.

(3) In regulation 3(1)(c) after “criminal proceedings in a magistrates' court” there shall be inserted “other than proceedings referred to in sub-paragraph 3(1)(b) but including proceedings in a magistrates' court following a remittal under paragraph 10(3)(a) or 13(2) of Schedule 3 to the Crime and Disorder Act 1998”.

(4) In regulation 4E(4) after “criminal proceedings in a magistrates' court” there shall be inserted “other than sending proceedings”.

(5) In regulation 4F(2)(b)(5) after “committal or transfer for trial” there shall be inserted “or sending for trial”.

(6) After regulation 6(6) the following paragraph shall be inserted:

“(7) Where the legally aided person has been sent for trial and the appropriate authority determines fees for a class of work in accordance with this regulation the appropriate authority shall determine separately in accordance with this regulation the fees in relation to that class of work:

- (i) in the proceedings in the Crown Court; and
- (ii) in the proceedings in the magistrates' court

and aggregate the amounts so determined.”.

(7) In regulation 14(1)(a)(6) after “criminal proceedings before a magistrates' court” there shall be inserted “which are not sending proceedings”.

(8) In paragraph 1(1) of Schedule 1 Part II after “specified in sub-paragraph (2)” there shall be inserted “and, where the legally aided person has been sent for trial, in relation to the sending proceedings associated with those proceedings in the Crown Court”.

(9) In paragraph 1(2)(a) of Schedule 1 Part II after “committals for trial” there shall be inserted “and proceedings in the Crown Court where the legally aided person has been sent for trial,”.

Signed by authority of the Lord Chancellor

Dated 17th November

G. W. Hoon
Minister of State
Lord Chancellor's Department

(4) Inserted by S.I. 1994/1825.
(5) Inserted by S.I. 1996/2655.
(6) Amended by S.I. 1996/2655.

We consent

Dated 19th November 1998

Clive Betts
Jim Dowd
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 Aid in Criminal and Care Proceedings (Costs) Regulations 1898. They apply where a legally assisted person is sent for trial under section 51 of the Crime and Disorder Act 1998. They provide for Crown Court determining officers to determine the costs of the magistrates' court stage of the proceedings as well as the costs of the proceedings in the Crown Court.