
STATUTORY INSTRUMENTS

2000 No. 1929

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

The Legal Aid (Functions) Order 2000

Made - - - - *19th July 2000*

Coming into force - - *1st August 2000*

The Lord Chancellor, in exercise of the powers conferred on him by section 3(4) of the Legal Aid Act 1988⁽¹⁾, makes the following Order, a draft of which has, in accordance with section 36(2)(b) of that Act, been laid before and approved by resolution of each House of Parliament:

Citation and commencement

1. This Order may be cited as the Legal Aid (Functions) Order 2000 and shall come into force on 1st August 2000.

Interpretation

2. In this Order, unless the context requires otherwise:

“the Act” means the Legal Aid Act 1988;

“the Board” means the Legal Aid Board;

“the Commission” means the Legal Services Commission established under section 1 of the Access to Justice Act 1999⁽²⁾; and

“costs” means, in the case of a solicitor, the fees and disbursements payable under section 25 of the Act and, in the case of counsel, the fees payable under that section.

Functions under Part V of the Legal Aid Act 1988

3.—(1) The general function conferred on the Board by section 3(2) of the Act shall include all such functions mentioned in subsection (4)(b) of that section as are required to be exercised by the Commission to enable it to determine and authorise the work to be carried out, the costs, and the method of payment of such costs, in respect of representation which is provided by means of a contract under Part II of the Act in respect of a Very High Cost Case.

(1) 1988 c. 34.

(2) 1999 c. 22. By virtue of Schedule 14, paragraph 2 to the Access to Justice Act 1999, the functions of the Legal Aid Board were transferred to the Legal Services Commission on 1st April 2000 when section 1 of that Act came into force.

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- (2) A Very High Cost Case is a case with regard to which, in the estimation of the Commission:
- (a) if the case proceeds to trial, that trial would be likely to last for 25 days or longer; or
 - (b) the defence costs with regard to any one defendant (or group of defendants represented by the same firm of solicitors) are likely to amount to £150,000 or greater (such sum to include the solicitor's costs and counsel's fees and VAT).

Signed by the authority of the Lord Chancellor

19th July 2000

David Lock
Parliamentary Secretary,
Lord Chancellor's Department

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers on the Legal Services Commission the functions required to enable it to determine the work to be carried out, the costs, and the method of payment of such costs, in respect of representation which is provided under contracts for very high cost cases.