
STATUTORY INSTRUMENTS

2000 No. 2328

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

**The Legal Aid in Criminal and Care Proceedings
(General) (Amendment No. 4) Regulations 2000**

<i>Made</i>	- - - -	<i>28th August 2000</i>
<i>Laid before Parliament</i>		<i>31st August 2000</i>
<i>Coming into force</i>	- -	<i>2nd October 2000</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 21, 34 and 43 of the Legal Aid Act 1988(1), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (General) (Amendment No. 4) Regulations 2000 and shall come into force on 2nd October 2000.

Interpretation

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

Transitional provisions

3. These Regulations shall apply to all applications for legal aid made on or after 2nd October 2000 and applications made before that date shall be treated as if these Regulations had not been made.

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

4. In regulation 3(1):—

(1) 1988 c. 34; this Act is repealed, in part, by the Access to Justice Act 1999 (c. 22), subject to savings and transitional provisions contained in S.I. 2000/774. Sections 34 and 43 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60, 62 and 63. Section 43 is cited because of the meaning given to “regulations”.

(2) S.I. 1989/344, as amended by S.I. 1995/542, 1996/1258 and 1999/2737.

- (a) after the definition of “attendance allowance” the following shall be inserted:—
““the Commission” means the Legal Services Commission established under section 1 of the Access to Justice Act 1999(3);”;
- (b) after the definition of “Court of Appeal” the following shall be inserted:—
““the Crime Franchise Panel” has the meaning given in the Legal Aid (Prescribed Panels) (Amendment) Regulations 2000(4);”.

5.—(1) In regulation 45(1), the following shall be inserted after “Subject to”:—
“paragraph (3) and”.

(2) The following paragraph shall be inserted after regulation 45(2):—

“(3) The right conferred by regulation 45(1), as regards representation funded by the Commission, shall be exercisable only in relation to any solicitor who is for the time being a member of the Crime Franchise Panel in respect of the proceedings in relation to which the representation is being granted.”.

6.—(1) In Schedule 2, in Form 1:—

- (a) paragraph 3 a) and b) shall be amended by substituting “20” for “19”;
- (b) in paragraphs 5 a) and 8, the references to Family Credit and Disability Working Allowance shall be deleted;
- (c) the following shall be inserted after paragraph 5 d):—

- e) I am to appear before a youth court (*details of your means are not required*)
- f) I have been charged with an offence at a police station which is not:
 - (i) triable only on indictment or
 - (ii) an offence for which I will be sent to the Crown Court for trial under section 51 of the Crime and Disorder Act 1998(a),and I am to appear before a magistrates’ court (*details of your means are not required*)

(a) 1998 c. 37.

(d) the following paragraph shall be inserted after paragraph 8:—

9. Declaration by solicitor: (*Please delete as appropriate*)

- a) I certify that I am a member of the Crime Franchise Panel in respect of the proceedings in relation to which this application is being made, **or**
- b) I am not a member of the Crime Franchise Panel in respect of the proceedings in relation to which this application is being made.

I understand that only members of the Panel may provide representation funded by the Commission in respect of such proceedings.

Signed

Dated

(2) In Schedule 2, in the Welsh version of Form 1:—

- (a) paragraph 3 a) and b) shall be amended by substituting “20” for “19”;

(3) 1999 c. 22.

(4) S.I. 2000/1930.

(b) in paragraphs 5 a) and 8, the words “Credyd Teulu, Lwfans Gweithio i'r Anabl,” shall be deleted;

(c) the following shall be inserted after paragraph 5 d):—

e) Rwyf i ymddangos ger bron llys ieuenctid (*nid oes angen manylion ynghylch eich amgylchiadau ariannol*)

f) Rwyf wedi cael fy nghyhuddo o drosedd mewn garsaf heddlu, ac mae honno'n drosedd:

(i) na ellir ei rhoi ar brawf ond trwy dditiad neu

(ii) y câf fy anfon i Lys y Coron i sefyll fy mhrawf yn ei chylch dan adran 51 Deddf Troseddau ac Anhrefn 1998,

ac yr wyf i ymddangos gerbron llys ynadon (*nid oes angen manylion ynghylch eich amgylchiadau ariannol*)

(d) the following paragraph shall be inserted after paragraph 8:—

9. Datganiad gan gyfreithiwr (*dileer y naill neu'r llall*)

a) Tystiaf fy mod yn aelod o'r Panel Detholfraint Troseddau mewn perthynas â'r gweithrediadau sy'n berthnasol i lunio'r cais hwn **neu**

b) Nid wyf yn aelod o'r Panel Detholfraint Troseddau mewn perthynas â'r gweithrediadau sy'n berthnasol i lunio'r cais hwn.

Rwy'n deall mai dim ond aelodau o'r Panel sy'n gallu cyflwyno cynrychiolaeth a noddir gan y Comisiwn mewn perthynas â gweithrediadau o'r fath.

Llofnod

Dyddiedig

7. In Schedule 2, Forms 3, 11 and 11A, and the Welsh versions of those forms, shall be amended by substituting “20” for “19”.

8.—(1) In Schedule 2, in Form 5:—

(a) in the preamble, the references to Family Credit and Disability Working Allowance shall be deleted;

(b) in paragraph 2, in the section headed “State Benefits”, the reference to unemployment benefit shall be deleted.

(2) In Schedule 2, in the Welsh version of Form 5:—

(a) in the preamble, the words “Credyd Teulu, Lwfans Gweithio i'r Anabl,” shall be deleted;

(b) in paragraph 2, in the section headed “Budd-daliadau'r Wladwriaeth”, the words “fudd-dal diweithdra” shall be deleted.

Signed by authority of the Lord Chancellor

Dated 28th August 2000

David Lock
Parliamentary Secretary,
Lord Chancellor's Department

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 make amendments to the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989 consequential on the Legal Aid (Prescribed Panels) Amendment Regulations 2000 (S.I.2000/1930), so as to provide that a solicitor assigned under a legal aid order in the magistrates' court must be a member of the Crime Franchise Panel.

The Regulations also make various minor amendments to the forms in Schedule 2. These include, in the Statement of Means, changes consequential on the exclusion of the system of the assessment of applicants' financial resources in certain circumstances introduced by the Legal Aid Act 1988 (Modification) Regulations 2000 (S.I. 2000/2227) and the Legal Aid in Criminal and Care Proceedings (General) (Amendment) (No. 3) Regulations 2000 (S.I. 2000/2226). These circumstances are:

- (i) where a person appears before a magistrates' court following charge at a police station, other than in relation to an offence triable only on indictment or any other offence where the court sends a person to the Crown Court for trial under section 51 of the Crime and Disorder Act 1998; and
- (ii) where a person appears before a youth court.