

2001 No. 191

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Legal Advice and Assistance (Amendment)
Regulations 2001**

<i>Made</i> - - - - -	<i>26th January 2001</i>
<i>Laid before Parliament</i>	<i>29th January 2001</i>
<i>Coming into Force</i> - -	<i>19th February 2001</i>

The Lord Chancellor, in exercise of the powers conferred upon him by sections 9, 34 and 43 of the Legal Aid Act 1988(a), and with the consent of the Treasury, makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Legal Advice and Assistance (Amendment) Regulations 2001 and shall come into force on 19th February 2001.

(2) In these Regulations a reference to a regulation by number alone means the regulation so numbered in the Legal Advice and Assistance Regulations 1989(b).

Amendments to Legal Advice and Assistance Regulations 1989

2. In regulations 5 and 9(2)(b), after “regulation 7(1)(c)” there shall be inserted “or 9(e)”(c).
3. In regulation 22(2), for “7(1)(c), or 8” there shall be substituted “7(1)(c), 8 or 9(e)”.

Dated 26th January 2001

Irvine of Lairg, C

We consent

*David Jamieson
Bob Ainsworth*

Dated 26th January 2001

Two of the Lords Commissioners of Her Majesty's Treasury

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- (a) 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 of and the Family Law Act 1996 (c. 27), Schedule 8 paragraph 44. Sections 9, 34 and 43 are repealed (together with other provisions) by Part I of Schedule 15 to the Access to Justice Act 1999 (c. 22), which was brought into force on 1st April 2000 by the Access to Justice Act 1999 (Commencement No. 3, Transitional Provisions and Savings) Order 2000 (S.I. 2000/774), but subject to savings in respect (inter alia) of assistance by way of representation relating to actual or contemplated criminal investigations or proceedings. Section 43 is an interpretation and is cited because of the meaning given to “regulations”.
- (b) S.I. 1989/340; there are no relevant amending instruments.
- (c) Regulation 9(e) of the Legal Advice and Assistance (Scope) Regulations 1989 (S.I. 1989/550) is inserted by the Legal Advice and Assistance (Scope) (Amendment) Regulations 2001 (S.I. 2001/179).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations are consequential on the Legal Advice and Assistance (Scope) Regulations 2001 (S.I. 2001/), which make assistance by way of representation (ABWOR) available to a person in respect of whom an application is made for a warrant of further detention, or an extension of such a warrant, under Schedule 8 to the Terrorism Act 2000. They amend the Legal Advice and Assistance Regulations 1989 (S.I. 1989/340) so that, in relation to such cases:

- (a) the normal provisions relating to applications for advice and assistance do not apply;
- (b) ABWOR is available without regard to the applicant's financial resources; and
- (c) ABWOR does not require the approval of the Legal Services Commission.

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