

SCHEDULE 2

CRIMINAL DEFENCE SERVICE: TRANSITIONAL PROVISIONS AND SAVINGS

2. Nothing in the provisions commenced by this Order or in the transitional provisions of this Order shall have effect:

- (a) for the purposes of the application to funded services, by virtue of the Community Legal Service (Funding) Order 2000(1), of the following regulations made under the 1988 Act:
 - (i) the Civil Legal Aid (General) Regulations 1989(2);
 - (ii) the Legal Advice and Assistance Regulation 1989;
 - (iii) the Legal Aid in Family Proceedings (Remuneration) Regulations 1991(3); or
 - (iv) the Legal Aid in Civil Proceedings (Remuneration) Regulations 1994(4);
- (b) subject to paragraph 4 of this Schedule, and to the provisions of any contract, in relation to any work carried out under a legal aid order or legal aid certificate dated prior to 2nd April 2001;
- (c) in relation to assistance by way of representation under Part III of the 1988 Act:
 - (i) where the application is signed prior to 2nd April 2001 and received by the Commission prior to 10th April 2001; or
 - (ii) which is granted by a solicitor prior to 2nd April 2001 and notified to the Commission prior to 10th April 2001;
- (d) in relation to advice and assistance under Part III of the 1988 Act (other than assistance by way of representation) where the application is signed or is authorised prior to 2nd April 2001;
- (e) for the purposes of assessment for payment, where both a legal aid order under the 1988 Act and a representation order under the Act exist, in proceedings which form part of a single case in that they relate to one or more charges or informations which are preferred or laid at the same time, or which are founded on the same facts, or which form or are part of a series of offences;
- (f) in relation to any work carried out before 2nd April 2001 and paid for by the Lord Chancellor other than under the terms of any contract; or
- (g) for the application of paragraphs 10(3)(b), 33, 34 and 36 of Schedule 4 to the Act to work carried out under the provisions of the 1988 Act.

(1) S.I. 2000/627, as amended by S.I. 2000/1541 and 2001/831.

(2) S.I. 1989/339. These Regulations were most recently amended by S.I. 2000/451 and 2001/617.

(3) S.I. 1991/2038, as amended by S.I. 2001/830.

(4) S.I. 1994/228.