
STATUTORY INSTRUMENTS

1994 No. 3303

LEGAL AID AND ADVICE, ENGLAND

**The Legal Advice and Assistance at Police Stations
(Remuneration) (Amendment) (No.2) Regulations 1994**

Made - - - - *19th December 1994*
22nd December
Laid before Parliament *1994*
Coming into force - - *1st February 1995*

The Lord Chancellor, in exercise of the powers conferred on him by sections 34 and 43 of the Legal Aid Act 1988(1), having had regard to the matters specified in section 34(9) and consulted with the General Council of the Bar and the Law Society, and with the consent of the Treasury, hereby makes the following Regulations:—

Citation, commencement and transitional provisions

1.—(1) These Regulations may be cited as the Legal Advice and Assistance at Police Stations (Remuneration) (Amendment) (No.2) Regulations 1994 and shall come into force on 1st February 1995.

(2) These Regulations shall apply to advice and assistance given on or after 1st February 1995.

2. Regulation 2 of the Legal Advice and Assistance at Police Stations (Remuneration) Regulations 1989(2) shall be amended as follows:—

- (a) by inserting in the definition of “contract” after “section 4 of the”, “1988”;
- (b) by substituting in the definition of “duty solicitor scheme” for “under regulation 6” the words “under section 4 of the 1988 Act for the purposes of regulation 6(3)”;
- (c) by inserting in the definition of “own solicitor” after “a solicitor” the words “, and any representative of a solicitor,”;
- (d) by inserting after the definition of “own solicitor” the following definition:—
““own solicitor representatives scheme” means any arrangements made by the Board under section 4 of the 1988 Act applicable to representatives of own solicitors;”.

(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 assigned to the word “regulations”.

(2) S.I. 1989/342 as amended by S.I. 1992/592 and 1994/1824.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

3. Regulation 5 of the Legal Advice and Assistance at Police Stations (Remuneration) Regulations 1989 shall be amended as follows:—

- (a) by inserting in paragraph (2)(a) after “duty solicitor or” the words “, subject to paragraph (2A),”;
- (b) by inserting after paragraph (2) the following paragraph:—

“(2A) The determining officer shall not allow any charges or fees for advice or assistance given by a representative of an own solicitor to whom any own solicitor representatives scheme applies unless he was registered under and met the other requirements of the scheme when the advice or assistance was given.”;
- (c) by substituting in paragraph (4) for “paragraph (5)” the words “paragraphs (2A) and (5)”.

Dated 14th December 1994

Mackay of Clashfern, C.

We consent,

Dated 19th December 1994

Tim Wood
Timothy Kirkhope
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Advice and Assistance at Police Stations (Remuneration) Regulations 1989. Fees and charges for advice and assistance given at police stations by a representative of the client's own solicitor will only be allowed where the representative is registered under and meets the requirements specified in arrangements made by the Legal Aid Board.

The arrangements, the "Legal Aid Board Legal Advice and Assistance at Police Stations Register Arrangements 1994" (which also contain provisions relevant to duty solicitor representatives) are published and available from the Legal Aid Board, 85 Gray's Inn Road, London WC1X 8AA.