

SCHEDULES

SCHEDULE 3

TRANSITIONAL PROVISIONS AND SAVINGS

The Legal Aid Fund

3.—(1) On the appointed day the legal aid fund (“the Old Fund”) maintained by the Law Society under Article 19 of the 1981 Order shall be wound up.

(2) If, as at the appointed day, after taking account of all receipts and expenses of the Law Society attributable to its functions under the 1981 Order, there is in relation to the Old Fund any surplus or deficit—

- (a) such surplus shall be paid by the Law Society to the Lord Chancellor, and
- (b) such deficit shall be made up by payment to the Law Society by the Lord Chancellor of the amount of the deficit.

(3) The Law Society shall, as soon as possible after the appointed day, prepare a report in accordance with Article 18(8) of the 1981 Order—

- (a) in relation to the last financial year ending before the appointed day (if it has not done so before then), and
- (b) in relation to the period between the end of that financial year and the appointed day (as if that period were a financial year).

(4) The Law Society shall, as soon as possible after the appointed day, prepare a statement of accounts in accordance with Article 20 of the 1981 Order—

- (a) in relation to the last financial year ending before the appointed day (if it has not done so before then), and
- (b) in relation to the period between the end of that financial year and the appointed day (as if that period were a financial year).

(5) Paragraphs (2) to (5) of Article 20 of the 1981 Order shall, on and after the appointed day, apply in relation to—

- (a) the preparation of a statement under sub-paragraph (4)(a) or (b), and
- (b) the auditing of accounts kept under that Article for the periods mentioned in sub-paragraphs (4)(a) and (b).

(6) Notwithstanding its repeal by this Order, section 19(5) of the 1981 Order shall continue to have effect for the purposes of any determination as to the expenses or receipts of the Law Society.

(7) The Lord Chancellor shall meet the costs of remunerating auditors and any other costs incurred by the Law Society in connection with the exercise of any of its functions under this paragraph.

(8) If the appointed day falls on or after the day appointed by the Lord Chancellor under Article 1(2) for the coming into operation of Article 11(1), any payments received by him under sub-paragraph (2)(a) of this paragraph shall be paid by him into the fund established by the Commission under Article 11(1).

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

(9) If the appointed day falls before the day appointed by the Lord Chancellor under Article 1(2) for the coming into operation of Article 11(1), the Commission shall establish and maintain a fund which shall be deemed for all purposes of the 1981 Order to be the legal aid fund.

(10) Where a fund is established under sub-paragraph (9), that fund shall, with effect from the day appointed for the coming into operation of Article 11(1), be treated as if it were established under Article 11(1).