



# Legal Aid Act 1988

## 1988 CHAPTER 34

### PART II

#### LEGAL AID BOARD AND LEGAL AID

**[<sup>F1</sup>3 The Legal Aid Board.**

- (1) There shall be established a body to be known as the Legal Aid Board (in this Act referred to as “the Board”).
- (2) Subject to subsections (3) and (4) below, the Board shall have the general function of securing that advice, assistance [<sup>F2</sup>, mediation]and representation are available in accordance with this Act and of administering this Act.
- (3) Subsection (2) above does not confer on the Board any functions with respect to the grant of representation under Part VI for the purposes of proceedings for contempt.
- (4) Subsection (2) above does not confer on the Board any of the following functions unless the Lord Chancellor so directs by order and then only to the extent specified in the order.

The functions referred to are—

- (a) determination of the costs of representation under Part IV;
- (b) functions as respects representation under Part V other than determination of the costs of representation for the purposes of proceedings in magistrates’ courts;
- <sup>F3</sup>(c) .....
- (d) determination of the financial resources of persons for the purposes of this Act.

<sup>F1</sup>(5) .....

<sup>F1</sup>(6) .....

<sup>F1</sup>(7) .....

*Status: Point in time view as at 01/04/2000.*

*Changes to legislation: Legal Aid Act 1988, Part II is up to date with all changes known to be in force on or before 26 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

<sup>F1</sup>(8) .....

<sup>F1</sup>(9) .....

<sup>F1</sup>(10) .....]

#### Textual Amendments

- F1** S. 3 repealed (1.4.2001 in relation to s. 3(5)-(10) and otherwise *prosp.*) by 1999 c. 22, ss. 106, 108(1), Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), Sch. (with transitional provisions in arts. 3-5)
- F2** Word in s. 3(2) inserted (21.3.1997) by 1996 c. 27, s. 66(1), Sch. 8 Pt. II para. 44(3); S.I. 1997/1077, art. 2
- F3** S. 3(4)(c) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(2), Sch. 15; S.I. 1991/828, art. 3(2)

#### [<sup>F4</sup>4 Powers of the Board.

- (1) Subject to the provisions of this Act, the Board may do anything—
- (a) which it considers necessary or desirable to provide or secure the provision of advice, assistance [<sup>F5</sup>, mediation] and representation under this Act; or
  - (b) which is calculated to facilitate or is incidental or conducive to the discharge of its functions;
- and advice, assistance [<sup>F5</sup>, mediation] and representation may be provided in different ways in different areas in England and Wales and in different ways in different fields of law.
- (2) Without prejudice to the generality of subsection (1) above, the Board shall have power—
- (a) to enter into any contract including, subject to subsection (7) below, any contract to acquire or dispose of land;
  - (b) to make grants (with or without conditions, including conditions as to repayment);
  - (c) to make loans;
  - (d) to invest money;
  - (e) to promote or assist in the promotion of publicity relating to the functions of the Board;
  - (f) to undertake any inquiry or investigation which the Board considers necessary or expedient in relation to the discharge of its functions; and
  - (g) to give the Lord Chancellor such advice as it may consider appropriate in relation to the provision of advice, assistance [<sup>F5</sup>, mediation] and representation under this Act.
- (3) Subsection (1) above does not confer on the Board power to borrow money or to acquire and hold shares in bodies corporate or take part in forming bodies corporate.
- (4) The powers to provide advice, assistance [<sup>F5</sup>, mediation] or representation under this Part and to secure its provision under this Part by means of contracts with, or grants or loans to, other persons or bodies—
- (a) shall not be exercisable unless the Lord Chancellor so directs and then only to the extent specified in the direction; and

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(b) if exercisable, shall be exercised in accordance with any directions given by him.

<sup>F4</sup>(5) .....

(6) Advice, assistance and representation provided by the Board under this Part may be granted with or without limitations and may be amended, withdrawn or revoked.

(7) The power under subsection (2) above to enter into contracts to acquire or dispose of land shall not be exercised without the approval in writing of the Lord Chancellor.

<sup>F4</sup>(8) ..... ]

**Textual Amendments**

**F4** S. 4 repealed (1.4.2000 in relation to s. 4(5)(8) and otherwise *prosp.*) by 1999 c. 22, ss. 106, 108(1), Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), Sch. (with transitional provisions in arts. 3-5)

**F5** Words in s. 4(1)(2)(4) inserted (21.3.1997) by 1996 c. 27, 66(1), Sch. 8 Pt. II para. 44(3); S.I. 1997/1077, art. 2

<sup>F6</sup>5 .....

**Textual Amendments**

**F6** S. 5 repealed (1.4.2000) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), Sch. (with transitional provisions in arts. 3-5)

<sup>F7</sup>6 .....

**Textual Amendments**

**F7** S. 6 repealed (1.4.2000) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), Sch. (with transitional provisions in arts. 3-5)

<sup>F8</sup>7 .....

**Textual Amendments**

**F8** S. 7 repealed (1.4.2000) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), Sch. (with transitional provisions in arts. 3-5)

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