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SCHEDULES

SCHEDULE 1

Section 3.

THE LEGAL AID BOARD

Incorporation and Status

- 1 The Board shall be a body corporate.
- 2 The Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Board's property shall not be regarded as property of, or held on behalf of, the Crown.

Tenure of Members

- 3 Subject to paragraphs 4 and 5 any member of the Board shall hold and vacate office in accordance with the terms of his appointment, but a person shall not be appointed a member of the Board for a period of more than 5 years.
- 4
 - (1) The chairman or a member may resign office by giving notice in writing to the Lord Chancellor, and if the chairman ceases to be a member he shall cease to be the chairman.
 - (2) A person who ceases to be the chairman or a member shall be eligible for reappointment.
- 5 The Lord Chancellor may terminate the appointment of a member of the Board if satisfied that—
 - (a) he has become bankrupt or made an arrangement with his creditors;
 - (b) he is unable to carry out his duties as a Board member by reason of physical or mental illness;
 - (c) he has been absent from meetings of the Board for a period longer than six consecutive months without the permission of the Board; or
 - (d) he is otherwise unable or unfit to discharge the functions of a member of the Board.

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Members' interests

- 6 (1) Before appointing a person to be a member of the Board, the Lord Chancellor shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the exercise or performance by him of his functions as a member of the Board.
- (2) The Lord Chancellor shall from time to time satisfy himself with respect to every member of the Board that he has no such interest as is referred to in sub-paragraph (1) above.
- (3) Any person whom the Lord Chancellor proposes to appoint as, and who has consented to be, a member of the Board, and any member of the Board, shall, whenever requested by the Lord Chancellor to do so, supply him with such information as the Lord Chancellor considers necessary for the performance by the Lord Chancellor of his duties under this paragraph.
- 7 (1) A member of the Board who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board shall disclose the nature of his interest at a meeting of the Board; and the disclosure shall be recorded in the minutes of the Board, and the member shall not take any part in any deliberation or decision of the Board with respect to that contract.
- (2) For the purposes of sub-paragraph (1) above, a general notice given at a meeting of the Board by a member of the Board to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with the company or firm shall be regarded as a sufficient disclosure of his interest in relation to any contract so made.
- (3) A member of the Board need not attend in person at a meeting of the Board in order to make any disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is brought up and read out at the meeting.

Remuneration of members

- 8 (1) The Board may—
- (a) pay to its members such remuneration; and
 - (b) make provision for the payment of such pensions, allowances or gratuities to or in respect of its members,
- as the Lord Chancellor may, with the approval of the Treasury, determine.
- (2) Where a person ceases to be a member of the Board otherwise than on the expiry of his term of office, and it appears to the Lord Chancellor that there are special circumstances which make it right for that person to receive compensation, the Lord Chancellor may, with the consent of the Treasury, direct the Board to make that person a payment of such amount as the Lord Chancellor may, with the consent of the Treasury, determine.

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Staff

- 9 (1) The Board shall appoint a person to be the chief executive of the Board who shall be responsible to the Board for the exercise of its functions.
- (2) The Board may appoint such other employees as it thinks fit.
- (3) The Board may only appoint a person to be its chief executive or the holder of any other employment of a specified description after consultation with, and subject to the approval of, the Lord Chancellor.
- (4) The reference in sub-paragraph (3) above to employment of a specified description is a reference to any employment for the time being specified by the Lord Chancellor in a direction given for the purposes of that sub-paragraph.
- (5) An appointment under this paragraph may be made on such terms and conditions as the Board, with the approval of the Lord Chancellor and consent of the Treasury, may determine.
- 10 (1) The Board shall make, in respect of such of its employees as, with the approval of the Lord Chancellor and the consent of the Treasury, it may determine such arrangements for providing pensions, allowances or gratuities, including pensions, allowances or gratuities by way of compensation for loss of employment, as it may determine.
- (2) Arrangements under sub-paragraph (1) above may include the establishment and administration, by the Board or otherwise, of one or more pension schemes.
- (3) If an employee of the Board—
- (a) becomes a member of the Board; and
- (b) was by reference to his employment by the Board a participant in a pension scheme established and administered by it for the benefit of its employees, the Board may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee of the Board whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 8.
- (4) Where the Board exercises the power conferred by sub-paragraph (3) above, any discretion as to the benefits payable to or in respect of the member concerned which the scheme confers on the Board shall be exercised only with the approval of the Lord Chancellor and consent of the Treasury.

Proceedings

- 11 (1) Subject to anything in regulations, the Board may regulate its own proceedings.
- (2) The Board may make such arrangements as it considers appropriate for the discharge of its functions, including the delegation of specified functions and shall make such arrangements for the delegation of functions to committees and persons as may be prescribed.
- (3) Subject to anything in regulations, committees may be appointed and may be dissolved by the Board, and may include, or consist entirely of, persons who are not members of the Board.

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- (4) A committee shall act in accordance with such directions as the Board may from time to time give, and the Board may provide for anything done by a committee to have effect as if it had been done by the Board.
- (5) The validity of any proceedings of the Board or of any committee appointed by the Board shall not be affected by any vacancy among its members or by any defect in the appointment of any member.

Instruments

- 12 (1) The fixing of the seal of the Board shall be authenticated by the chairman or another member of the Board and by some other person authorised either generally or specially by the Board to act for that purpose.
- (2) A document purporting to be duly executed under the seal of the Board, or to be signed on the Board's behalf, shall be received in evidence and, unless the contrary is proved, be deemed to be so executed or signed.

Allowances

- 13 The Board may pay to the members of any committee such fees and allowances as the Lord Chancellor may, with the consent of the Treasury, determine.

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