



# Legal Aid Act 1988

## 1988 CHAPTER 34

### PART IV

#### CIVIL LEGAL AID

#### **16 Reimbursement of Board by contributions and out of costs or property recovered**

- (1) A legally assisted person shall, if his financial resources are such as, under regulations, make him liable to make such a contribution, pay to the Board a contribution in respect of the costs of his being represented under this Part.
- (2) The contribution to be required of him by the Board shall be determined by the Board in accordance with the regulations and may take the form of periodical payments or one or more capital sums or both.
- (3) The contribution required of a person may, in the case of periodical payments, be made payable by reference to the period during which he is represented under this Part or any shorter period and, in the case of a capital sum, be made payable by instalments.
- (4) If the total contribution made by a person in respect of any proceedings exceeds the net liability of the Board on his account, the excess shall be repaid to him.
- (5) Any sums recovered by virtue of an order or agreement for costs made in favour of a legally assisted person with respect to the proceedings shall be paid to the Board.
- (6) Except so far as regulations otherwise provide—
  - (a) any sums remaining unpaid on account of a person's contribution in respect of the sums payable by the Board in respect of any proceedings, and
  - (b) a sum equal to any deficiency by reason of his total contribution being less than the net liability of the Board on his account,shall be a first charge for the benefit of the Board on any property which is recovered or preserved for him in the proceedings.

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*Status: This is the original version (as it was originally enacted).*

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- (7) For the purposes of subsection (6) above it is immaterial what the nature of the property is and where it is situated and the property within the charge includes the rights of a person under any compromise or settlement arrived at to avoid the proceedings or bring them to an end and any sums recovered by virtue of an order for costs made in his favour in the proceedings (not being sums payable to the Board under subsection (5) above).
- (8) The charge created by subsection (6) above on any damages or costs shall not prevent a court allowing them to be set off against other damages or costs in any case where a solicitor's lien for costs would not prevent it.
- (9) In this section references to the net liability of the Board on a legally assisted person's account in relation to any proceedings are references to the aggregate amount of—
- (a) the sums paid or payable by the Board on his account in respect of those proceedings to any solicitor or counsel, and
  - (b) any sums so paid or payable for any advice or assistance under Part III in connection with those proceedings or any matter to which those proceedings relate,
- being sums not recouped by the Board by sums which are recoverable by virtue of an order or agreement for costs made in his favour with respect to those proceedings or by virtue of any right of his to be indemnified against expenses incurred by him in connection with those proceedings.
- (10) Where a legally assisted person has been represented in any proceedings in pursuance of a contract made with the Board on terms which do not differentiate between the remuneration for his and other cases, the reference in subsection (9)(a) above to the sums paid or payable by the Board on his account in respect of the proceedings shall be construed as a reference to such part of the remuneration payable under the contract as may be specified in writing by the Board.