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STATUTORY INSTRUMENTS

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**1989 No. 551**

**LEGAL AID AND ADVICE,  
ENGLAND AND WALES**

**The Legal Aid (Functions) Order 1989**

*Made* - - - - - *23rd March 1989*

*Coming into force* - - - - - *1st April 1989*

The Lord Chancellor, in exercise of the power conferred on him by section 3(4) of the Legal Aid Act 1988<sup>(1)</sup>, hereby makes the following Order, a draft of which has, in accordance with section 36(2)(b) of that Act, been laid before and approved by resolution of each House of Parliament:—

**Citation and commencement**

1. This Order may be cited as the Legal Aid (Functions) Order 1989 and shall come into force on 1st April 1989.

**Functions under Part V of the Legal Aid Act 1988**

2. The general function conferred on the Legal Aid Board by section 3(2) of the Legal Aid Act 1988 shall include all such functions mentioned in subsection (4)(b) of that section as are required to be exercised by the Board to enable it—

- (a) to determine under the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989<sup>(2)</sup> as respects representation under Part V of that Act:—
  - (i) an application for review of a refusal by a magistrates' court to grant representation;
  - (ii) a renewed application for amendment or withdrawal of a grant of representation, or for representation by counsel; and
  - (iii) an application for prior authority to incur expenditure; and
- (b) to promote or assist in the promotion of publicity relating to the functions mentioned in that subsection.

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(1) 1988 c. 34.  
(2) S.I. 1989/344.

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*Status: This is the original version (as it was originally made).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

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### **Functions under Part VI of the Legal Aid Act 1988**

3. The general function conferred on the Legal Aid Board by section 3(2) of the Legal Aid Act 1988 shall include all such functions mentioned in subsection (4)(c) of that section as are required to be exercised by the Board to enable it to determine under the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989 as respects representation under Part VI of that Act:—

- (a) a renewed application for amendment or withdrawal of a grant of representation; and
- (b) an application for prior authority to incur expenditure.

Dated 23rd March 1989

*Mackay of Clashfern, C.*

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order confers on the Legal Aid Board the functions required to enable area committees under the Legal Aid in Criminal and Care Proceedings Regulations 1989 (S.I.1989/344) to determine the applications mentioned in articles 2 and 3.

In criminal proceedings the relevant applications are applications for review of refusals of representation by magistrates' courts, renewed applications for amendment or withdrawal of representation (or for representation by counsel), and applications for prior authority to incur expenditure.

In care proceedings the relevant applications are renewed applications for amendment or withdrawal of representation, and applications for prior authority to incur expenditure.

Article 2 also confers on the Board the functions required to enable it to promote publicity about Criminal Legal Aid.