
STATUTORY INSTRUMENTS

1991 No. 527

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

**The Legal Advice and Assistance at Police Stations
(Remuneration) (Amendment) Regulations 1991**

<i>Made</i>	- - - -	<i>11th March 1991</i>
<i>Laid before Parliament</i>		<i>1st March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 34 and 43 of the Legal Aid Act 1988⁽¹⁾, having had regard to the matters specified in section 34(9) and consulted with the General Council of the Bar and the Law Society and with the consent of the Treasury, hereby makes the following Regulations:

1. These Regulations may be cited as the Legal Advice and Assistance at Police Stations (Remuneration) (Amendment) Regulations 1991 and shall come into force on 1st April 1991.

2. In these Regulations a regulation referred to by number means a regulation so numbered in the Legal Advice and Assistance at Police Stations (Remuneration) Regulations 1989⁽²⁾ and a reference to the Schedule means the Schedule to those Regulations.

3.—(1) At the end of regulation 4(3) there shall be inserted the following new paragraph—

“(4) Where the solicitor without good reason has failed (or, if an extension were not granted, would fail) to comply with the time limit, the determining officer may, in exceptional circumstances extend the time limit and shall consider whether it is reasonable in the circumstances to reduce the costs; provided that costs shall not be reduced unless the solicitor has been allowed a reasonable opportunity to show cause orally or in writing why the costs should not be reduced.”

(2) For sub-paragraph (1) of paragraph 1 of the Schedule there shall be substituted, in respect of work done on or after 1st April 1991, the following sub-paragraph—

“1.—(1) The Board shall, subject to paragraph 2 in the case of item (a), allow fees for work allowed by it under regulation 5 at the following rates—

(1) 1988 c. 34; section 34 is amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 63, Section 43 is an interpretation provision and is cited because of the meaning assigned to the word “regulations”.

(2) S.I. 1989/342, amended by S.I. 1990/487.

Status: This is the original version (as it was originally made).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

Class of work	Rate
(a) availability during duty period	£3.40 per hour saved, to a maximum of £81.60 (£3.45 per hour served to a maximum of £82.80 in respect of a solicitor whose office is situated within legal aid area 1)
(b) advice and assistance to a person arrested and held in custody, or being interviewed in connection with a serious offence or to a volunteer, given	£56 per hour
(i) by a duty solicitor in unsocial hours	
(ii) by a duty solicitor in all other hours	£42 per hour (£44.75 per hour in respect of a solicitor whose office is situated within legal aid area 1)
(iii) by an own solicitor	£42 per hour (£44.75 per hour in respect of a solicitor whose office is situated within legal aid area 1)
(c) travelling and waiting	£56 per hour
(i) by a duty solicitor in unsocial hours	
(ii) by a duty solicitor in all other hours	£42 per hour (£44.75 per hour in respect of a solicitor whose office is situated within legal aid area 1)
(iii) by an own solicitor	£23.50 per hour
(d) advising and assisting over the telephone	£19 per item (£19.50 per item in respect of a solicitor whose office is situated within legal aid area 1)
(e) routine telephone calls	£2.10 per item (£2.15 per item in respect of a solicitor whose office is situated within legal aid area 1)''

Dated 6th march 1991

Mackay of Clashfern, C.

We consent,

*Sydney Chapman
Irvine Patnick*Two of the Lords Commissioners of Her
Majesty's Treasury

Dated 7th March 1991

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Advice and Assistance at Police Stations (Remuneration) Regulations 1989 by allowing a determining officer, where a solicitor has failed without good reason to comply with the time limit for submitting a claim for remuneration, to extend the time but with a discretion to reduce the amount payable. They also provide for an increase in the rates of remuneration for legal aid work done on or after 1st April 1991.