

1999 No. 166

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid (Prescribed Panels) Regulations 1999

Made - - - - - *28th January 1999*

Coming into force *1st February 1999*

The Lord Chancellor, in exercise of the powers conferred on him by sections 32(7) and 43 of the Legal Aid Act 1988(a), makes the following Regulations, a draft of which has been laid before and approved by resolution of each House of Parliament:

Citation and commencement

1. These Regulations may be cited as the Legal Aid (Prescribed Panels) Regulations 1999 and shall come into force on 1st February 1999.

Interpretation

2. In these Regulations:

“the Act” means the Legal Aid Act 1988;

“authorised litigator” has the meaning given in section 119(1) of the Courts and Legal Services Act 1990(b);

“clinical negligence claim” means a claim for damages in respect of an alleged breach of duty of care committed in the course of the provision of clinical or medical services (including dental or nursing services);

“Clinical Negligence Franchise Panel” has the meaning given in regulation 3.

Right to select legal representative in clinical negligence and similar claims

3. There shall be a panel of authorised litigators, called the Clinical Negligence Franchise Panel, which shall comprise those authorised litigators who from time to time are authorised under a franchising contract with the Board to provide advice, assistance and representation in claims to which regulation 4 applies.

4.—(1) This regulation applies to:

- (a) clinical negligence claims;
- (b) claims for damages in respect of an alleged trespass to the person committed in the course of the provision of clinical or medical services (including dental or nursing services);
- (c) claims for damages in respect of alleged professional negligence in the conduct of a claim falling within paragraph (a) or paragraph (b) above; or
- (d) claims which include any claim falling within paragraphs (a), (b) or (c) above.

(a) 1988 c. 34; sections 32(7) and 43 were amended, respectively, by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60 and 63, and 63(5)(a). Section 43 is an interpretation provision and is cited because of the meaning given to “regulations”.

(b) 1990 c. 41.

(2) The right conferred by section 32(1) of the Act, as regards advice or assistance or representation by an authorised litigator in respect of any claim to which this regulation applies, shall be exercisable only in relation to authorised litigators who are for the time being members of the Clinical Negligence Franchise Panel.

(3) Paragraph (2) shall not affect the Board's powers under section 32(2) of the Act (assignment, or limitation on selection, of legal representative).

Dated 28th January 1999

Irvine of Lairg, C.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations designate the Clinical Negligence Franchise Panel as a prescribed panel for the purposes of section 32(7) of the Legal Aid Act 1988, in respect of claims for clinical negligence, and related claims, and provides that an assisted person's right to select an authorised litigator for the purpose of representation or advice and assistance in respect of such claims is limited to members of the Clinical Negligence Franchise Panel.

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