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STATUTORY INSTRUMENTS

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**2000 No. 774**

**The Access to Justice Act 1999 (Commencement  
No. 3, Transitional Provisions and Savings) Order 2000**

**Transitional provisions and savings**

5.—(1) Subject to paragraphs (2) and (3), and articles 7, 8, and 11, nothing in the provisions commenced by this Order or the transitional provisions of this Order shall take effect in relation to any of the following:

- (a) the application, by virtue of the Community Legal Service (Funding) Order 2000(1), of regulations made under the 1988 Act to funded services;
- (b) representation, advice and assistance or assistance by way of representation under any part of the 1988 Act relating to actual or contemplated criminal investigations or proceedings;
- (c) representation under Part IV of the 1988 Act:
  - (i) where the application is signed before 1st April 2000 and received by the Legal Aid Board before 2nd May 2000; or
  - (ii) where an emergency certificate is granted by a solicitor before 1st April 2000 and notified to the Legal Aid Board before 2nd May 2000;
- (d) except where sub-paragraph (e) or (f) applies, advice and assistance under Part III of the 1988 Act where the application is signed (or authorised) before 1st January 2000;
- (e) except where sub-paragraph (f) applies, advice and assistance under Part III of the 1988 Act relating to proceedings for personal injury or clinical negligence or to a dispute which may give rise to such proceedings, where the application is signed (or authorised) before 1st April 2000; or
- (f) assistance by way of representation under Part III of the 1988 Act:
  - (i) where the application is signed before 1st April 2000 and received by the Legal Aid Board before 2nd May 2000; or
  - (ii) which is granted by a solicitor before 1st April 2000 and notified to the Legal Aid Board before 2nd May 2000.

(2) Any reference to the following in regulations made under the 1988 Act, in so far as they remain in force, shall be construed in relation to the services mentioned in paragraph (1) as though they were amended as follows:

- (a) any reference to an “Area Director” shall be replaced by a reference to a “Regional Director”, as defined in the Legal Services Commission Regional Arrangements 2000, as amended from time to time;
- (b) any reference to a “legal aid area” shall be replaced by a reference to a “Legal Services Commission Region” as defined in the Legal Services Commission Regional Arrangements 2000, as amended from time to time;

- (c) any reference to an “area committee” or an “appropriate area committee” shall be replaced by a reference to a “Committee” as defined in, and appointed in accordance with, the Legal Services Commission Review Panel Arrangements 2000, as amended from time to time;
  - (d) any reference to work “done by a person or body (other than the Board) acting under the terms of a franchising contract which was entered into by the Board pursuant to its powers under section 4 of the Legal Aid Act 1988” shall be construed to include work done under a contract entered into by the Commission pursuant to its powers under section 6 of the Act, where the work was done within the scope of a Franchise Certificate designated as such by the Commission; and
  - (e) for the purposes of paragraph (1)(a), any reference to a “certificate” shall be construed to include a certificate issued under the Funding Code.
- (3) Any reference to the “Legal Aid Fund” in the 1988 Act, and regulations made under it, shall be construed in relation to the services mentioned in paragraph (1), except any which fall within subparagraph (b), as though it were replaced by a reference to the “Community Legal Service Fund”.
- (4) Without prejudice to paragraph (1), the repeal of sections 34 and 36 of the 1988 Act shall not affect the power under that Act to make regulations in relation to the services mentioned in paragraph (1).