

2001 No. 1181

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Legal Advice and Assistance at Police Stations
(Remuneration) (Amendment) Regulations 2001**

<i>Made - - - -</i>	<i>27th March 2001</i>
<i>Laid before Parliament</i>	<i>28th March 2001</i>
<i>Coming into force</i>	<i>2nd April 2001</i>

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

Citation and commencement

1. These Regulations may be cited as the Legal Advice and Assistance at Police Stations (Remuneration) (Amendment) Regulations 2001 and shall come into force on 2nd April 2001.

Interpretation

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

Transitional provisions

3. These Regulations shall apply for the purposes of work done on or after 2nd April 2001 to which the Legal Advice and Assistance at Police Stations (Remuneration) Regulations 1989 apply.

Amendments to the Legal Advice and Assistance at Police Stations (Remuneration) Regulations 1989

4. In regulation 5:—

- (a) in paragraph (5), the words “but excluding any supplement allowed under paragraph (8)” shall be omitted;
- (b) paragraph (8) shall be omitted.

(a) 1988 c.34; sections 34 and 43 were amended by the Courts and Legal Services Act 1990 (c.41), Schedule 18, paragraphs 60 and 63. Sections 34 and 43 are repealed (together with other provisions) by Part I of Schedule 15 to the Access to Justice Act 1999 (c.22), which was brought into force on 1st April 2000 by the Access to Justice Act 1999 (Commencement No. 3, Transitional Provisions and Savings) Order 2000 (S.I. 2000/774), but subject to savings. Section 43 is an interpretation provision and is cited because of the meaning given to “regulations”.

(b) S.I. 1989/342, as amended by S.I. 1990/487, 1991/527, 1992/594 and 1994/1824.

- 5.—(1) The Schedule shall be amended as follows.
- (2) Throughout the Schedule, for “Board” there shall be substituted “Commission”.
- (3) In paragraph 1(1),
- (a) for “2 and 3” there shall be substituted “2 to 4”;
- (b) for “within legal aid area 1”, wherever it occurs, there shall be substituted “in the Legal Services Commission’s London Region”.
- (4) Paragraph 1(2) shall be omitted.
- (5) At the beginning of paragraph 3 there shall be inserted “Subject to paragraph 4.”.
- (6) After paragraph 3 there shall be inserted the following:—

“4. In the case of a person who is a party to a general criminal contract, the Commission shall allow fees for work allowed by it under regulation 5 at the following rates:

<i>Class of work</i>	<i>Rate</i>	
(a) availability during duty period	£4.20 per hour— served, to a maximum of £100.80	(£4.25 per hour served to a maximum of £102.00 in respect of a solicitor whose office is situated in the Legal Services Commission’s London Region)
(b) advice and assistance to a person arrested and held in custody, or being interviewed in connection with a serious service offence or to a volunteer, given		
(i) by a duty solicitor in unso- cial hours	£67.93 per hour	
(ii) by a duty solicitor in all other hours	£51.15 per hour	(£55.28 per hour in respect of a solicitor whose office is situated in the Legal Services Commission’s London Region)
(iii) by an own solicitor	£51.15 per hour	(£55.28 per hour in respect of a solicitor whose office is situated in the Legal Services Commission’s London Region)
(c) travelling and waiting		
(i) by a duty solicitor in unso- cial hours	£67.93 per hour	
(ii) by a duty solicitor in all other hours	£51.15 per hour	(£55.28 per hour in respect of a solicitor whose office is situated in the Legal Services Commission’s London Region)
(iii) by an own solicitor	£28.33 per hour	

<i>Class of work</i>	<i>Rate</i>	
(d) advising and assisting over the telephone	£23.38 per item	(£24.20 per item in respect of a solicitor whose office is situated in the Legal Services Commission's London Region)
(e) routine telephone calls	£3.96 per item	(£4.13 per item in respect of a solicitor whose office is situated in the Legal Services Commission's London Region)

5. In this Schedule, "general criminal contract" means a contract with the Legal Services Commission in the form of the Commission's General Criminal Contract for the time being, and any reference to a party to a general criminal contract includes every person authorised to do work under the contract."

Signed

Dated 25th March 2001

Willy Bach
Parliamentary Secretary,
Lord Chancellor's Department

We consent

Dated 27th March 2001

Greg Pope
Clive Betts
Two of the Lords Commissioners
of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Advice and Assistance at Police Stations (Remuneration) Regulations 1989 to provide increased remuneration for solicitors who hold general criminal contracts with the Legal Services Commission. The provisions relating to increased remuneration for 31st December 1999 and 1st January 2000 are omitted as spent.

£1.75

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E 0870 04/01 ON (MFK)