

2001 No. 1182

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Legal Advice and Assistance (Amendment No. 3)
Regulations 2001**

Made - - - - - *27th March 2001*

Laid before Parliament *28th March 2001*

Coming into force in accordance with article 1

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

Citation and commencement

1. These Regulations may be cited as the Legal Advice and Assistance (Amendment No. 3) Regulations 2001 and shall come into force on 2nd April 2001 immediately after the Legal Advice and Assistance (Amendment No. 2) Regulations 2001(b).

Transitional provisions

2. These Regulations shall apply to work carried out on or after 2nd April 2001, and in relation to work done before that date the Legal Advice and Assistance Regulations 1989(c) shall have effect as if these Regulations had not come into force.

Amendments to Legal Advice and Assistance Regulations 1989

3.—(1) Schedule 6 to the Legal Advice and Assistance Regulations 1989 shall be amended as follows.

(2) In paragraph 1, for “paragraphs 2 to 4” there shall be substituted “the following paragraphs of this Schedule”.

(3) In paragraph 2, for the words from “Subject” to “where” there shall be substituted “Subject to the following paragraphs of this Schedule, where”.

(4) Before paragraph 3 there shall be inserted:—

(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 and the Family Law Act 1996 (c. 27), Schedule 8 paragraph 44. Sections 34 and 43 are repealed (together with other provisions) by Part 1 of Schedule 15 to the Access to Justice Act 1999 (c. 22), which was brought into force on 1st April 2000 by the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. 2001/829.

(c) S.I. 1989/340: the relevant amending Instruments are S.I. 1995/949, 1996/641, 1997/751 and 2001/829.

“2C. Subject to paragraph 5 below, where advice and assistance is provided in connection with actual or contemplated criminal investigations or criminal proceedings by a person who is a party to a general criminal contract, the following rates shall apply:—

<i>Class of work</i>	<i>Rate in London Region</i>	<i>Rate outside London Region</i>
Preparation	£49.70 per hour	£46.87 per hour
Advocacy	£58.97 per hour	£58.97 per hour
Attendance at court where counsel assigned	£31.93 per hour	£31.93 per hour
Travelling and waiting	£26.27 per hour	£26.27 per hour
Routine letters written and routine telephone calls	£3.81 per item	£3.66 per item

- (5) In paragraph 3, for “paragraph 4” there shall be substituted “paragraphs 4 and 5”.
- (6) At the beginning of paragraph 4 there shall be inserted “Subject to paragraph 5,”.
- (7) Paragraph 5 shall be omitted(a), and in its place there shall be inserted the following:—

“5. Where the claim is in respect of ABWOR to which Part III of the Act applies by virtue of regulation 9(a), (c) or (d) of the Scope Regulations and the work is done by a person who is a party to the general criminal contract, the following rates shall apply instead of those contained in any of the preceding paragraphs:

<i>Class of work</i>	<i>Rate in London Region</i>	<i>Rate outside London Region</i>
Preparation	£60.00 per hour	£56.14 per hour
Advocacy	£68.24 per hour	£68.24 per hour
Attendance at court where counsel assigned	£31.93 per hour	£31.93 per hour
Travelling and waiting	£26.27 per hour	£26.27 per hour
Routine letters written and routine telephone calls	£4.02 per item	£4.02 per item

6. 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;

(a) Paragraph 5 was deleted by regulation 4(6) of S.I. 2001/829 in relation to work carried out under the General Civil Contract: these Regulations delete it for all other purposes.

(b) S.I. 2000/774.

“criminal proceedings” has the meaning given by article 1(2) of the Access to Justice Act 1999 (Commencement No. 3, Transitional Provisions and Savings) Order 2000**(b)**;

“London Region” means the London Region of the Legal Services Commission.”.

Signed by authority of the Lord Chancellor

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 Regulations 1989 (S.I. 1989/340). Those Regulations were revoked by virtue of the repeal of enabling provisions in the Legal Aid Act 1988 (c. 34) by the Access to Justice Act 1999 (c. 22), but apply to legal advice and assistance which continue to be provided under Part III of the Legal Aid Act 1988 notwithstanding its repeal, by virtue of the transitional savings contained in the Access to Justice Act 1999 (Commencement No. 3, Transitional Provisions and Savings) Order 2000 (S.I. 2000/774).

The Regulations amend Schedule 6 to the 1989 Regulations, providing for revised rates of remuneration for advice and assistance in criminal matters provided by persons holding general criminal contracts under the Access to Justice Act 1999.

£1.75

© Crown copyright 2001

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

E 0872 04/01 ON (MFK)