

EXPLANATORY NOTES

ACCESS TO JUSTICE ACT 1999

INTRODUCTION

OVERVIEW

A. Funding of legal services (Parts I & II – sections 1-34)

B. Provision of legal services (Part III – sections 35-53)

C. Appeals, courts, judges and court proceedings (Part IV - sections 54-73)

D. Magistrates and magistrates' courts (Part V - sections 74-97)

E. Immunity and indemnity (Parts VI - sections 98-104)

A. FUNDING OF LEGAL SERVICES (PARTS I & II, SECTIONS 1-34)

Summary

Community Legal Service

Criminal Defence Service

Conditional fees etc.

Background

Legal Aid

Quality assurance and contract pilots

Advice sector

Conditional fees

Commentary

PART I: THE LEGAL SERVICES COMMISSION

These notes refer to the Access to Justice Act 1999 (c.22)

The Commission

The Community Legal Service

The Criminal Defence Service

Supplementary

PART II: OTHER FUNDING OF LEGAL SERVICES

Conditional fee and litigation funding agreements

Costs

Legal aid in Scotland

B. PROVISION OF LEGAL SERVICES (SECTIONS 35-53)

Summary

Background

Rights of audience etc.

Complaints handling

Commentary

The Legal Services Consultative Panel

Rights of audience and rights to conduct litigation

Barristers and solicitors

Legal Services Ombudsman

Legal Services Complaints Commissioner

Public notaries

C. APPEALS, COURTS, ETC. (PART IV - SECTIONS 54-73)

Summary

Background

Commentary

Appeals

Civil division of Court of Appeal

High Court

Crown Court

Judges etc.

Court proceedings

D. MAGISTRATES AND MAGISTRATES' COURTS (PART V - SECTIONS 74-97)

Summary

Background

Organisation and management of the magistrates' courts service

Altering territorial units

Constitution and funding of MCCs

A single authority for London

Justices' clerks and justices' chief executives

Unification of the stipendiary bench

Committals for sentence

Execution of warrants

Commentary

Territorial organisation

Justices

Magistrates' courts committees (MCCs)

Justices' chief executives, justices' clerks and staff

Execution of warrants

E. IMMUNITY AND INDEMNITY (PART VI - SECTIONS 98-104)

Summary

Background

Commentary

Justices and their clerks

General Commissioners of income tax and their clerks

Coroners

Commencement

Funding of legal services

Provision of legal services

Appeals, courts, judges and court proceedings

These notes refer to the Access to Justice Act 1999 (c.22)

Magistrates and magistrates' courts

Immunity and indemnity

Parliamentary Progress