
STATUTORY INSTRUMENTS

1994 No. 805

**LEGAL AID AND ADVICE,
ENGLAND AND WALES**

**The Legal Advice and Assistance
(Amendment) Regulations 1994**

<i>Made</i>	- - - -	<i>17th March 1994</i>
<i>Laid before Parliament</i>		<i>21st March 1994</i>
<i>Coming into force</i>	- -	<i>11th April 1994</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 9, 34 and 43 of the Legal Aid Act 1988(1), 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 (Amendment) Regulations 1994 and shall come into force on 11th April 1994.

Interpretation

2. In these Regulations a regulation referred to by number alone means a regulation so numbered in the Legal Advice and Assistance Regulations 1989(2).

Transitional Provisions

3. These Regulations shall apply to applications for advice and assistance made on or after 11th April 1994 and applications made before that date shall be treated as if these Regulations had not come into force.

Amendments of the Legal Advice and Assistance Regulations 1989

4. In the Arrangement of Regulations, after the reference to regulation 5 there shall be inserted the following:—

(1) 1988 c. 34; sections 9, 34 and 43 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18 paragraphs 60 and 63. Section 43 is an interpretation provision and is cited because of the meanings assigned to the words “prescribed” and “regulations”.

(2) S.I.1989/340, as amended by S.I. 1989/560, S.I. 1990/486, S.I. 1991/636 and 2305, S.I. 1992/591, 719 and 2654 and S.I. 1993/790.

“5A. ABWOR in proceedings before a Mental Health Review Tribunal.”

5. After regulation 5 there shall be inserted the following:—

“ABWOR in proceedings before a Mental Health Review Tribunal

5A. ABWOR to which Part III of the Act applies by virtue of regulation 9(a) of the Scope Regulations⁽³⁾ (proceedings before a Mental Health Review Tribunal) shall be available without reference to the client’s financial resources.”

6. Regulation 11 shall be amended by substituting “£70” for “£61” in paragraph (1), and “£153” for “£147” in paragraph (2).

7. Regulation 12 shall be amended as follows:—

- (a) in paragraphs (1), (2) and (5) for “£61” there shall be substituted “£63”;
- (b) in paragraph (1) for “£147” there shall be substituted “£153”;
- (c) in paragraph (5) after “contribution” there shall be inserted “towards the cost of ABWOR”;
- (d) after paragraph (5) there shall be inserted the following:—

“(6) A client shall in no case be liable to pay any contribution towards the cost of advice and assistance other than ABWOR.”

Dated 14th March 1994

Mackay of Clashfern, C.

We consent,

Andrew Mackay

Irvine Patnick

Two of the Lords Commissioners of Her Majesty’s Treasury

Dated 17th March 1994

(3) This refers to the Legal Advice and Assistance (Scope) Regulations 1989 (S.I. 1989/550), as amended by S.I. 1990/1477 and S.I. 1992/2874.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Advice and Assistance Regulations 1989 by—

- (1) abolishing the means test for assistance by way of representation in proceedings before a Mental Health Review Tribunal;
- (2) increasing the income limit for eligibility for legal advice and assistance (other than by way of representation) from £61 to £70 per week;
- (3) increasing the income limit for non-contributory assistance by way of representation from £61 to £63 per week;
- (4) increasing the income limit for eligibility for assistance by way of representation from £147 to £153 per week.