
STATUTORY INSTRUMENTS

1998 No. 3154

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

**The Legal Aid in Criminal and Care Proceedings
(Costs) (Amendment) (No. 4) Regulations 1998**

Made - - - - 11th December 1998
Laid before Parliament 15th December 1998
Coming into force - - 11th January 1999

The Lord Chancellor, in exercise of the powers conferred on him by sections 25(2), 34 and 43 of the Legal Aid Act 1988(1), 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, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (Costs) (Amendment) (No. 4) Regulations 1998 and shall come into force on 11th January 1999.

Interpretation

2. In these Regulations “the Regulations” means the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989(2) and a reference to a regulation or Schedule by number alone means the regulation or Schedule so numbered in the Regulations.

Amendment to the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989

3. In regulation 4E(3) the following shall be substituted for the words from “the franchisee may apply” to “a claim for costs”: “the Board may make interim payments”.

4. After regulation 6(7)(4) the following paragraph shall be inserted:

(1) 1988 c. 34; sections 25(2), 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 meaning given to “regulations”.
(2) S.I. 1989/343. Relevant amending instruments are noted below.
(3) Inserted by S.I. 1994/1825; amended by S.I. 1998/2908.
(4) Inserted by S.I. 1998/2908.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(8) Where legal aid is provided under a franchising contract, this regulation shall apply except to the extent that the contract makes different express provision.”.

5. In regulation 7A(2)(5) after “Schedule I Part I” there shall be inserted: “except to the extent that a franchising contract makes a different express provision”.

6. After regulation 10(2) the following paragraph shall be inserted:

“(3) Where legal aid is provided under a franchising contract, this regulation shall apply except to the extent that the contract makes different express provision.”.(6)

Signed by authority of the Lord Chancellor

G.W. Hoon
Minister of State,
Lord Chancellor’s Department

Dated 9th December 1998

We consent

Bob Ainsworth
Clive Betts
Two of the Lords Commissioners of Her
Majesty’s Treasury

Dated 11th December 1998

(5) Inserted by S.I. 1993/934; amended by S.I. 1994/2213.

(6) The regulation 10(3) which originally formed part of S.I. 1989/343 was deleted by S.I. 1993/934.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989 where legal representation in criminal proceedings is provided under a franchising contract so that:

- (i) interim payments in respect of representation in magistrates' courts can be made under the contract without the necessity for an application to the Legal Aid Board on the making of the legal aid order;
- (ii) regulations 6, relating to solicitors' fees, 7A, relating to the costs of unassigned counsel, and 10, relating to the mode of payment, apply except to the extent that the franchising contract makes different express provision.