
STATUTORY INSTRUMENTS

1988 No. 2303

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

**The Legal Aid in Criminal Proceedings (General)
(Amendment) (No. 2) Regulations 1988**

Made - - - - *21st December 1988*
Laid before Parliament *6th January 1989*
Coming into force - - *1st February 1989*

The Lord Chancellor, in exercise of the powers conferred by section 39 of the Legal Aid Act 1974⁽¹⁾, and now vested in him⁽²⁾, hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Legal Aid in Criminal Proceedings (General) (Amendment) (No. 2) Regulations 1988 and shall come into force on 1st February 1989.

(2) In these Regulations, a regulation referred to by number means the regulation so numbered in the Legal Aid in Criminal Proceedings (General) Regulations 1968⁽³⁾.

2. Regulation 14D(1) shall be amended as follows—

(1) for the words “to incur costs”, there shall be substituted the words “for costs to be incurred”;

(2) the word “or” at the end of sub-paragraph (c) shall be omitted, and

(3) after sub-paragraph (c), there shall be inserted the following new sub-paragraph—

“(cc) where a legal aid order provides for the services of solicitor and counsel, instructing a Queen’s Counsel alone without a junior counsel; or”.

3. For regulation 14D(2), there shall be substituted the following new paragraph—

“(2) If a criminal legal aid committee authorises the taking of any step specified in paragraph (1)(a), (b), (c) or (d), it shall also authorise the maximum fee payable for such report, opinion, expert evidence, transcript or act.”.

⁽¹⁾ 1974 c.4; section 39 was amended by the Legal Aid Act 1988 (c. 34), Schedule 8, paragraph 3.

⁽²⁾ S.I.1980/705.

⁽³⁾ S.I. 1968/1231; the relevant amending instrument is S.I. 1983/1863.

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21st December 1988

Mackay of Clashfern, C.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid in Criminal Proceedings (General) Regulations 1968 to include among the items of unusual expenditure for which advance approval may be sought the instructing of a Queen's Counsel alone without a junior counsel.