

SCHEDULES

SCHEDULE 3

TRANSITIONAL PROVISIONS AND SAVINGS

Part III of the 1981 Order

5.—(1) The provisions of this paragraph shall have effect if the first appointed day falls before the day appointed by the Lord Chancellor under Article 1(2) for the coming into operation of Article 21.

(2) With effect from the first appointed day until the day appointed by the Lord Chancellor under Article 1(2) for the coming into operation of Article 21, in any case where a criminal aid certificate is granted under Part III of the 1981 Order in respect of any person, the expenses properly incurred in pursuance of the certificate, including the fees of a solicitor and, where counsel has been assigned, of counsel, shall be paid—

- (a) by the Lord Chancellor, or
- (b) by the Commission,

as the Lord Chancellor may direct.

(3) Sub-paragraph (2) is subject to any rules made under Article 36 of the 1981 Order and to any directions given under that Article.

(4) The Commission shall establish and maintain a fund from which it shall make any payments which, under sub-paragraph (2), are to be paid by the Commission.

(5) The Commission shall pay into the fund established under sub-paragraph (4)—

- (a) sums received from the Lord Chancellor under sub-paragraph (6), and
- (b) such other receipts of the Commission as the Lord Chancellor may, with the concurrence of the Treasury, determine.

(6) The Lord Chancellor shall pay to the Commission out of money provided by Parliament such sums as are required (after allowing for sums received apart from this sub-paragraph) to meet the payments which, under sub-paragraph (2), are to be paid by the Commission.

(7) The Lord Chancellor may, with the approval of the Treasury—

- (a) determine the manner in which and times at which the sums referred to in sub-paragraph (6) are to be paid to the Commission; and
- (b) impose conditions on the payment of the sums referred to in sub-paragraph (6).

(8) Estimates of the sums required as mentioned in sub-paragraph (6) shall from time to time be submitted to the Lord Chancellor by the Commission.

(9) An estimate shall be submitted under sub-paragraph (8)—

- (a) at least once in the period beginning with the first appointed day and ending with the next 31st March, and
- (b) at least once in each subsequent period of twelve months ending with 31st March,

at such time as the Lord Chancellor may, with the approval of the Treasury, direct.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, No. 435

(10) An estimate under sub-paragraph (8) shall be in such form and shall give such particulars as may be so directed.

(11) Where a fund is established under sub-paragraph (4), that fund shall, with effect from the day appointed by the Lord Chancellor under Article 1(2) for the coming into operation of Article 21, be treated as if it were established under Article 21(1).