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SCHEDULES

SCHEDULE 12

MINOR AND CONSEQUENTIAL AMENDMENTS

LEGAL AID ACT 1974 (c. 4)

- 1 (1) Section 29 (circumstances in which legal aid may be ordered to be given) shall be amended as follows.
- (2) In subsection (4) (which provides that before making a legal aid order for the giving of aid to any person, a court must require him to furnish a written statement of his means), at the end add " unless it appears to the court that he is by reason of his physical or mental condition incapable of doing so ".
- (3) In subsection (5) (which modifies subsections (3) and (4) in their application to persons under the age of sixteen) for " for the word ' shall' in subsection (4) there were substituted the word ' may' " substitute " in subsection (4) for the word ' shall' there were substituted the word ' may' and the words from ' unless ' onwards were omitted ".
- (4) After subsection (5) insert—
- “(5A) Where a court makes a legal aid order for the giving of aid to a person who has attained the age of sixteen and does so without first requiring him to furnish such a statement as is mentioned in subsection (4) above because it appears to the court that he is by reason of his physical or mental condition incapable of doing so, then, if it subsequently appears to any court having power to make a legal aid contribution order under section 32 below in connection with that legal aid order that he has become capable of furnishing such a statement, that court may require him to furnish such a statement.”.
- 2 In section 32 (power to order payment of contributions), after subsection (1) insert—
- “(1A) If a person to whom legal aid has been ordered to be given by a legal aid order made in the circumstances mentioned in subsection (5A) of section 29 above has failed to furnish a statement which he was subsequently required to furnish in pursuance of that subsection in connection with the legal aid order, he may for the purposes of any order proposed to be made under this section in connection with the legal aid order be treated as having resources and commitments which are such that he may reasonably be ordered to pay the whole amount of the relevant costs.”.