



Legal Aid Act 1988

1988 CHAPTER 34

PART I **E+W**

PRELIMINARY

F1 **E+W**

Textual Amendments

F1 S. 1 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 paras. 2, 5)

F2 **E+W**

Textual Amendments

F2 S. 2 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 paras. 2, 5)

PART II **E+W**

LEGAL AID BOARD AND LEGAL AID

F3 **E+W**

Changes to legislation: Legal Aid Act 1988 is up to date with all changes known to be in force on or before 18 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F3 S. 3 repealed (1.4.2001 in relation to s. 3(5)-(10) and otherwise 2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 paras. 2, 5)

F4 **E+W**

Textual Amendments

F4 S. 4 repealed (1.4.2000 in relation to s. 4(5)(8) and otherwise 2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 paras. 2, 5)

F5 **E+W**

Textual Amendments

F5 S. 5 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.**(with transitional provisions in arts. 3-5)

F6 **E+W**

Textual Amendments

F6 S. 6 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

F7 **E+W**

Textual Amendments

F7 S. 7 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt.I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

PART III U.K.

ADVICE AND ASSISTANCE

F8 **E+W**

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Textual Amendments

F8 S. 8 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

F⁹9 **E+W**

Textual Amendments

F9 S. 9 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

F¹⁰10 **E+W**

Textual Amendments

F10 S. 10 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

F¹¹11 **E+W**

Textual Amendments

F11 S. 11 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

F¹²12 **U.K.**

Textual Amendments

F12 S. 12 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

F¹³13 **E+W**

Textual Amendments

F13 S. 13 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

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[^{F14}PART IIIA **E+W**

MEDIATION]

Textual Amendments

F14 Pt. IIIA (s. 13A) inserted (21.3.1997) by 1996 c. 27, s. 26(1); S.I. 1997/1077, art.2

^{F15}13A **E+W**

Textual Amendments

F15 S. 13A repealed (1.4.2000) by 1999 s. 22, s. 106, Sch 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), Sch. (with transitional provisions in arts. 3-5)

^{F16}13B **E+W**

Textual Amendments

F16 S. 13B repealed (1.4.2000) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), Sch. (with transitional provisions in arts. 3-5)

^{F17}13C **E+W**

Textual Amendments

F17 S. 13C repealed (1.4.2000) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), Sch. (with transitional provisions in arts. 3-5)

PART IV U.K.

CIVIL LEGAL AID

^{F18}14 **E+W**

Textual Amendments

F18 S. 14 repealed (1.4.2000) by 1999 c. 22, s. 106, Sch. 15 Pt. I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), Sch. (with transitional provisions in arts. 3-5)

^{F19}15 **E+W**

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Textual Amendments

F19 S. 15 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

F20 **16** **E+W**

Textual Amendments

F20 S. 16 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

F21 **17** **U.K.**

Textual Amendments

F21 S. 17 repealed (1.4.2000) by 1999 c. 22 s. 106, Sch. 15 Pt I (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

F22 **18** **E+W**

Textual Amendments

F22 S. 18 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

PART V **E+W**

CRIMINAL LEGAL AID

Modifications etc. (not altering text)

C1 Pt. V (ss. 19-26) applied (with modifications) (15.3.1996) by S.I. 1996/716, **art. 24(1)(b)**
Pt. V (ss. 19-26) modified (30.9.1998 in the petty sessions areas and petty sessional divisions noted in S.I. 1998/2327, **Sch. 2** and otherwise 1.11.1999) by 1998 c. 37, s. **49(1)(j)**; S.I. 1998/2327, art. 3(2), **Sch.2**; S.I. 1999/2976, **art. 2**

F23 **19** **E+W**

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Textual Amendments

F23 S. 19 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 paras. 2, 5)

^{F24}**20** **E+W**

Textual Amendments

F24 S. 20 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 paras. 2, 5)

^{F25}**21** **E+W**

Textual Amendments

F25 S. 21 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 paras. 2, 5)

^{F26}**22** **E+W**

Textual Amendments

F26 S. 22 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 paras. 2, 5)

^{F27}**23** **E+W**

Textual Amendments

F27 S. 23 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 paras. 2, 5)

^{F28}**24** **E+W**

Textual Amendments

F28 S. 24 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 4 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 paras. 2, 5)

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F29 **25** **E+W**

Textual Amendments

F29 S. 25 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 paras. 2, 5)

F30 **26** **E+W**

Textual Amendments

F30 S. 26 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 paras. 2, 5)

PART VI **E+W**

LEGAL AID IN SPECIAL CASES

Care proceedings

Textual Amendments

F31 S. 27 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 99(4), 108(7), **Sch.15**; S.I. 1991/828, **art. 3(2)**

Textual Amendments

F32 S. 28 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 99(4), 108(7), **Sch.15**; S.I. 1991/828, **art. 3(2)**

Contempt proceedings

F33 **29** **E+W**

Textual Amendments

F33 S. 29 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 paras. 2, 5)

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Supplementary

F34 30 **E+W**

Textual Amendments
F34 S. 30 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with transitional provisions and savings in Sch. 2 paras. 2, 5)

PART VII E+W

GENERAL AND SUPPLEMENTARY

F35 31 **E+W**

Textual Amendments
F35 S. 31 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, **art. 2(c)**, **Sch.** (with transitional provisions in arts. 3-5)

F36 32 **E+W**

Textual Amendments
F36 S. 32 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, **art. 2(c)**, **Sch.** (with transitional provisions in arts. 3-5) and subject to an amendment (28.8.2000) by S.I. 2000/2127, **art. 4**

33 Legal aid complaints against barristers and their exclusion from legal aid work. E+W

The following sections shall be substituted for sections 41 and 42 of the ^{M1}Administration of Justice Act 1985—

“41 Application to legal aid complaints against barristers of disciplinary provisions.

- (1) The disciplinary provisions applicable to barristers shall apply to legal aid complaints relating to the conduct of barristers as they apply to other complaints about their conduct.
- (2) Subject to any exclusion or restriction made by those provisions, any disciplinary tribunal which hears a legal aid complaint relating to the conduct of a barrister may, if it thinks fit and whether or not it makes any other order, order that any fees—

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- (a) otherwise payable in connection with his services under or in accordance with the Legal Aid Act 1988, or
 - (b) otherwise chargeable in connection with his services in respect of advice or assistance made available under Part III of that Act,
- shall be reduced or cancelled.
- (3) Accordingly, in so far as any of sections 9, 11, 15(6) and (7) and 25(2) of the Legal Aid Act 1988 (which relate to remuneration for legal aid work) has effect in relation to any fees reduced or cancelled by an order under subsection (2) above, it shall so have effect subject to the provisions of that order.
 - (4) An appeal shall lie in the case of an order under subsection (2) above in the same manner as an appeal would lie in the case of any other order of such a tribunal.
 - (5) The reference in subsection (2) above to a disciplinary tribunal is a reference to a tribunal acting under the disciplinary provisions applicable to barristers and it includes a reference to a member exercising any functions of the tribunal delegated to him.

42 Exclusion of barristers from legal aid work.

- (1) Subject to any exclusion or restriction made by the disciplinary provisions applicable to barristers, where a disciplinary tribunal hears a charge of professional misconduct or breach of professional standards against a barrister, it may order that he shall be excluded from legal aid work, either temporarily or for a specified period, if it determines that there is good reason for the exclusion arising out of—
 - (a) his conduct in connection with any such services as are mentioned in section 40(1), or
 - (b) his professional conduct generally.
- (2) Subsection (4) of section 41 shall apply to an order under subsection (1) as it applies to an order under subsection (2) of that section.
- (3) The disciplinary provisions applicable to barristers shall include provision enabling a barrister who has been excluded from legal aid work under this section to apply for an order terminating his exclusion from such work.
- (4) In this section—
 - (a) the reference to a disciplinary tribunal shall be construed in accordance with section 41(5); and
 - (b) references to a person being excluded from legal aid work are references to his being excluded from those who may be selected or assigned under section 32 of the Legal Aid Act 1988.”

Marginal Citations

M1 1985 c. 61.

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Textual Amendments

F37 S. 34 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

F38 **35** **E+W**

Textual Amendments

F38 S. 35 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

F39 **36** **E+W**

Textual Amendments

F39 S. 36 repealed (1.4.2000) by 1999 c.22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

F40 **37** **E+W**

Textual Amendments

F40 S. 37 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

F41 **38** **E+W**

Textual Amendments

F41 S. 38 repealed (1.4.2000) by 1999 c.22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

F42 **39** **E+W**

Textual Amendments

F42 S. 39 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

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F43 **40** **E+W**

Textual Amendments

F43 S. 40 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

F44 **41** **E+W**

Textual Amendments

F44 S. 41 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 3(b) (with transitional provisions and savings in Sch. 2 paras. 2, 5)

F45 **42** **E+W**

Textual Amendments

F45 S. 42 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

F46 **43** **E+W**

Textual Amendments

F46 S. 43 repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 3(b) (with transitional provisions and savings in Sch. 2 paras. 2, 5)

PART VIII **E+W+S**

MISCELLANEOUS

Scottish provisions

44 **Scottish provisions.** **S**

The ^{M2}Legal Aid (Scotland) Act 1986 shall have effect subject to the amendments specified in Schedule 4 to this Act.

Marginal Citations

M2 1986 c. 47.

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Supplementary

^{F47} **45** **E+W**

Textual Amendments

F47 S. 45 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

^{F48} **46** **E+W**

Textual Amendments

F48 S. 46 repealed (1.4.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/774, art. 2(c), **Sch.** (with transitional provisions in arts. 3-5)

47 **Short title, commencement and extent.** **E+W**

- (1) This Act may be cited as the Legal Aid Act 1988.
- (2) Subject to subsections (3) and (4) below, this Act shall come into force on such day as the Lord Chancellor appoints by order and different days may be appointed for different provisions.
- (3) Section 44 and Schedule 4 shall come into force on such day as the Secretary of State appoints by order and different days may be appointed for different provisions.
- (4) Sections 35 (together with the repeal of section 21 of the ^{M3}Legal Aid Act 1974) and 46 shall come into force on the date on which this Act is passed.
- (5) An order under subsection (2) or (3) above may contain such transitional and saving provisions as appear to the Lord Chancellor or, as the case may be, the Secretary of State necessary or expedient.
- (6) This Act, with the exception of sections 12(3) and 17(3), section 44 and Schedule 4 and the amendments or repeals of the enactments referred to in section 45(3), extends to England and Wales only and section 44 and Schedule 4 extend to Scotland only.

Modifications etc. (not altering text)

- C2** Power of appointment conferred by s. 47(2) partly exercised: [S.I. 1988/1361](#), 1989/288
C3 Power of appointment conferred by s. 47(3) partly exercised: [S.I. 1988/1388](#)

Marginal Citations

M3 1974 c. 4.

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 4 para. 3(b) repealed by [1990 c. 40 Sch. 9](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act modified (prosp.) by [1996 c. 27 s. 23\(8\)](#)