

## SCHEDULES

### SCHEDULE 5

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Prosecution of Offences Act 1985 (c. 23)*

- 12 In section 19(2)(b) of the Prosecution of Offences Act 1985, the words “(including any legal aid order)” shall be omitted and at the end of that paragraph there shall be inserted the words “or any grant of representation for the purposes of the proceedings which has been made under the Legal Aid Act 1988.”
- 13 In section 20(2) of that Act, for the words “out of the legal aid fund or” there shall be substituted the words “by the Legal Aid Board or out of”.
- 14 In section 21(1) of that Act, for the definition of “legally assisted person” there shall be substituted the following—
- ““legally assisted person”, in relation to any proceedings, means a person to whom representation under the Legal Aid Act 1988 has been granted for the purposes of the proceedings;”.
- 15 In section 21 of that Act, after subsection (4), there shall be inserted the following subsection—
- “(4A) Where one party to any proceedings is a legally assisted person then—
- (a) for the purposes of sections 16 and 17 of this Act, his costs shall be taken not to include either the expenses incurred on his behalf by the Legal Aid Board or the Lord Chancellor or, if he is liable to make a contribution under section 23 of the Legal Aid Act 1988, any sum paid or payable by way of contribution; and
- (b) for the purposes of sections 18 and 19 of this Act, his costs shall be taken to include the expenses incurred on his behalf by the Legal Aid Board or the Lord Chancellor (without any deduction on account of any contribution paid or payable under section 23 of the Legal Aid Act 1988) but, if he is liable to make such a contribution his costs shall be taken not to include any sum paid or payable by way of contribution.”