



Legal Aid Act 1988

1988 CHAPTER 34

PART III

ADVICE AND ASSISTANCE

10 Financial limit on prospective cost of advice or assistance.

- (1) Where at any time (whether before or after the advice or assistance has begun to be given) it appears to a [^{F1}solicitor][^{F1}legal representative] that the cost of giving advice or assistance to a person under this Part is likely to exceed the prescribed limit—
 - (a) the [^{F1}solicitor][^{F1}legal representative] shall determine to what extent that advice or assistance can be given without exceeding that limit; and
 - (b) shall not give it (nor, as the case may be, instruct [^{F2}counsel][^{F2}an additional legal representative] to give it) so as to exceed that limit except with the approval of the Board.
- (2) Approval under subsection (1)(b) above may be given with or without limitations and may be amended, withdrawn or revoked.
- (3) For the purposes of this section the cost of giving advice or assistance shall be taken to consist of such of the following as are applicable in the circumstances, namely—
 - (a) any disbursements, that is to say, expenses (including fees payable to [^{F2}counsel][^{F2}an additional legal representative]) which may be incurred by the [^{F3}solicitor or his firm][^{F3}legal representative] in, or in connection with, the giving of the advice or assistance; and
 - (b) any charges or fees (other than charges for disbursements) which would be properly chargeable by the [^{F3}solicitor or his firm][^{F3}legal representative] in respect of the advice or assistance.

Textual Amendments

- F1** Words “legal representative ” substituted (*prosp.*) for “solicitor ” by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), ss. 124(3), 125(3), [Sch. 18 para. 63\(4\)](#)

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Legal Aid Act 1988, Section 10 is up to date with all changes known to be in force on or before 11 May 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)

- F2** Words “an additional legal representative” substituted (*prosp.*) for “counsel” by Courts and Legal Services Act 1990 (c. 41, SIF 37), ss. 124(3), 125(3), **Sch. 18 para. 61(3)**
- F3** Words “legal representative” substituted (*prosp.*) for “solicitor or his firm” by Courts and Legal Services Act 1990 (c. 41, SIF 37), ss. 124(3), 125(3), **Sch. 18 para. 63(3)(d)**

Modifications etc. (not altering text)

- C1** S. 10(1) excluded by S.I. 1989/340 reg. 4(2)

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

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