



Legal Aid Act 1988

1988 CHAPTER 34

PART V

CRIMINAL LEGAL AID

26 Payment for advice or assistance where representation under this Part is subsequently granted

- (1) This section has effect where—
 - (a) advice or assistance under Part III is given to a person in respect of any matter which is or becomes the subject of criminal proceedings against him; and
 - (b) he is subsequently granted representation under this Part for the purposes of those proceedings.
- (2) If the solicitor acting for the person under the grant of representation is the same as the solicitor who gave him the advice or assistance, any charge or fee in respect of the advice or assistance which, apart from this section, would fall to be secured, recovered or paid as provided by section 11 shall instead be paid under section 25 as if it were part of the costs of the representation.
- (3) If a contribution order is made in connection with the grant of representation under this Part to him—
 - (a) any sum which he is required by virtue of section 9(6) or (7) to pay in respect of the advice or assistance (whether or not already paid) shall be credited against the contribution to be made by him under the contribution order; and
 - (b) section 25 shall have effect in a case to which subsection (2) above applies as if the charges and fees properly chargeable in respect of the advice or assistance were part of the costs of the representation under this Part and as if any such sum as is mentioned in paragraph (a) above which he has paid were part of the contribution made under the contribution order.