
STATUTORY INSTRUMENTS

1991 No. 2305

**LEGAL AID AND ADVICE,
ENGLAND AND WALES**

**The Legal Advice and Assistance
(Amendment) (No. 2) Regulations 1991**

Made - - - - *17th October 1991*
Laid before Parliament *21st October 1991*
Coming into force - - *11th November 1991*

The Lord Chancellor, in exercise of the powers conferred on him by sections 9, 34 and 43 of the Legal Aid Act 1988(1), having had regard to the matters specified in section 34(9) and consulted the General Council of the Bar and the Law Society, and with the consent of the Treasury, hereby makes the following Regulations:—

Citation, commencement and transitional provisions

1.—(1) These Regulations may be cited as the Legal Advice and Assistance (Amendment) (No. 2) Regulations 1991 and shall come into force on 11th November 1991.

(2) Regulations 3 and 4 shall apply to any assessment or review of a claim for costs made in respect of work done on or after 11th November 1991 and costs payable in respect of work done before that date shall be assessed or reviewed as if these Regulations had not been made.

Interpretation

2. In these Regulations a regulation or Schedule referred to by number means a regulation or Schedule so numbered in the Legal Advice and Assistance Regulations 1989(2).

Amendment to the Legal Advice and Assistance Regulations 1989

3. In regulation 30—

(a) in paragraph (1) for “paragraph (2)” there shall be substituted “paragraphs (2) and (3)”;

(1) 1988 c. 34; sections 9 and 34 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 63. Section 43 is an interpretation provision and is cited because of the meaning assigned to the word “regulations”; section 43 is amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 60.
(2) S.I.1989/340, as amended by S.I. 1989/560, 1990/486 and 1991/636.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) after paragraph (2) there shall be inserted the following new paragraph—

“(3) Where the claim is in respect of ABWOR to which Part III of the Act applies by virtue of regulation 9(a) of the Scope Regulations, paragraph (1) shall apply as if Schedule 6 to these Regulations were substituted for Schedule 1, Part I, paragraph 1(1)(a) to the Costs Regulations.”.

4. After Schedule 5 there shall be inserted the following new Schedule—

“SCHEDULE 6

Regulation 30(3)

FEEES FOR ABWOR IN MENTAL HEALTH REVIEW TRIBUNALS

Class of work	Rate	
Preparation	£50.50 per hour—	(£54 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy £	61 per hour	
Attendance at court where counsel assigned	£28.50 per hour	
Travelling and waiting	£23.50 per hour	
Routine letters written and routine telephone calls	£3.60 per item”	

Dated 15th October 1991

Mackay of Clashfern, C.

We consent,

*Irvine Patnick
Gregory Knight*

Two of the Lords Commissioners of Her Majesty’s Treasury

Dated 17th October 1991

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Advice and Assistance Regulations 1989 by increasing the rate of remuneration in respect of advice by way of representation (ABWOR) in respect of proceedings before Mental Health Review Tribunals.