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STATUTORY INSTRUMENTS

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**1991 No. 528**

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

**The Legal Advice and Assistance (Duty Solicitor)  
(Remuneration) (Amendment) Regulations 1991**

<i>Made</i>	- - - -	<i>7th March 1991</i>
<i>Laid before Parliament</i>		<i>11th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

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

1. These Regulations may be cited as the Legal Advice and Assistance (Duty Solicitor) (Remuneration) (Amendment) Regulations 1991 and shall come into force on 1st April 1991.

2.—(1) At the end of regulation 4(3) of the Legal Advice and Assistance (Duty Solicitor) (Remuneration) Regulations 1989<sup>(2)</sup> there shall be inserted the following new paragraph—

“(4) Where the solicitor without good reason has failed (or, if an extension were not granted, would fail) to comply with the time limit, the determining officer may, in exceptional circumstances, extend the time limit and shall consider whether it is reasonable in the circumstances to reduce the costs; provided that costs shall not be reduced unless the solicitor has been allowed a reasonable opportunity to show cause orally or in writing why the costs should not be reduced.”

Dated 6th March 1991

*Mackay of Clashfern, C.*

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(1) 1988 c. 34; section 34 is 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”.

(2) S.I.1989/341.

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**Status:** This is the original version (as it was originally made).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

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We consent,

7th March 1991

*Sydney Chapman*  
*Irvine Patnick*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Legal Advice and Assistance (Duty Solicitor) (Remuneration) Regulations 1989 by allowing a determining officer, where a solicitor has failed without good reason to comply with the time limit for submitting a claim for remuneration, to extend the time but with a discretion to reduce the amount payable.