
STATUTORY INSTRUMENTS

1991 No. 637

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

**The Legal Aid in Criminal and Care Proceedings
(General) (Amendment) Regulations 1991**

| | | |
|-------------------------------|---------|------------------------|
| <i>Made</i> | - - - - | <i>11th March 1991</i> |
| <i>Laid before Parliament</i> | | <i>18th March 1991</i> |
| <i>Coming into force</i> | - - | <i>8th April 1991</i> |

The Lord Chancellor, in exercise of the powers conferred on him by sections 21(5), 23, 34 and 43 of the Legal Aid Act 1988(1), and with the consent of the Treasury, hereby makes the following Regulations:—

1. These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (General) (Amendment) Regulations 1991 and shall come into force on 8th April 1991.
2. In these Regulations a regulation or Schedule referred to by number means a regulation or Schedule so numbered in the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989(2).
- 3.—(1) In regulation 40(2) after “11” there shall be inserted “,11A”.
- (2) In Schedule 2 Part 2 –
 - (a) For Form 11 there shall be substituted the following new form:—

(1) 1988 c. 34; section 34 was 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.1989/344, as amended by S.I. 1990/489.

Status: This is the original version (as it was originally made).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

Legal aid Order (Magistrates' Court)

**Form 11.
Reg 40**

In accordance with the Legal Aid Act 1988 the Court now grants legal aid, to for the following purpose.

Delete (1) to (4) as necessary.

- (1) Proceedings before a magistrates' court in connection with
- (2) Appealing to the Crown Court against a decision of the Magistrates' Court on
- (3) Resisting an appeal to the Crown Court against a decision of the Magistrates' Court.
- (4) Proceedings before (both a magistrates' court and*) the Crown Court in connection with including, in the event of his being convicted or sentenced in those proceedings, advice and assistance in regard to the making of an appeal to the criminal division of the Court of Appeal.

* Delete as necessary

The legal aid granted shall consist of the following representation:-

| | |
|----------------------------------|---|
| Magistrates' court proceedings — | Solicitor/solicitor and counsel |
| Crown Court Proceedings — | Solicitor/solicitor and counsel/solicitor, junior counsel and Queen's Counsel/ counsel only |

including advice on the preparation of the case for the proceedings.

The solicitor/Counsel assigned is of

The legally assisted person has been committed to prison/released on bail and may be communicated with at

Dated this day of 19

(Signed)

A contribution order of £ was made in respect of this Order.

(a) After Form 11 there shall be added the following new form:-

Legal aid Order (Crown Court)

**Form 11A.
Reg. 40**

In accordance with the Legal Aid Act 1988 the Court now grants legal aid, to for the following purpose.

Delete (1) to (4) as necessary.

(1) Appealing to the Crown Court against a decision of the Magistrates' Court on

(2) Resisting an appeal to the Crown Court against a decision of the Magistrates' Court.

(3) Proceedings before the Crown Court in connection with

including, in the event of his being convicted or sentenced in those proceedings, advice and assistance in regard to the making of an appeal to the criminal division of the Court of Appeal.

(4) A retrial by the Crown Court ordered by the Court of Appeal or the House of Lords.

The legal aid granted shall consist of the following representation:—

Solicitor/solicitor and counsel/solicitor and Queen's Counsel/solicitor, junior counsel and Queen's Counsel/solicitor and two junior counsel/counsel only

including advice on the preparation of the case for the proceedings.

The solicitor/Counsel assigned is

of

The legally assisted person has been committed to _____ prison/released on bail and may be communicated with at _____

Dated this _____ day of _____ 19____

(Signed)

4. For the table in Schedule 4 there shall be substituted the following new table:—

| “Average Weekly Disposable Income | Weekly Contribution |
|-------------------------------------|---------------------|
| Exceeding £60 but not exceeding £65 | £2 |
| Exceeding £65 but not exceeding £69 | £3 |
| Exceeding £69 but not exceeding £73 | £4 |
| Exceeding £73 but not exceeding £77 | £5 |
| Exceeding £77 but not exceeding £81 | £6 |
| Exceeding £81 but not exceeding £85 | £7” |

Dated 8th March 1991

Mackay of Clashfern C.

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We consent,

Dated 11th March 1991

Thomas Sackville
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 Aid in Criminal and Care Proceedings (General) Regulations 1989 by providing for a separate form for the grant of legal aid in the magistrates' court and Crown Court and by amending the scale of weekly contributions payable in criminal and care proceedings.