

*This Statutory Instrument has been amended by [S.I. 1992/721](#) which is reprinted overleaf as pages 5 and 6.*

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STATUTORY INSTRUMENTS

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**1992 No. 590**

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

**The Civil Legal Aid (General) (Amendment) Regulations 1992**

<i>Made</i>	- - - -	<i>9th March 1992</i>
<i>Laid before Parliament</i>		<i>11th March 1992</i>
<i>Coming into force</i>		
<i>regulation 7</i>		<i>1st December 1992</i>
<i>remainder</i>		<i>1st April 1992</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 4(5), 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 and commencement**

1.—(1) These Regulations may be cited as the Civil Legal Aid (General) (Amendment) Regulations 1992 and, subject to paragraph (2), shall come into force on 1st April 1992.

(2) Regulation 7 shall come into force on 1st December 1992.

**Interpretation**

2. In the regulations following this regulation a regulation or Part referred to by number means a regulation or Part so numbered in the Civil Legal Aid (General) Regulations 1989(2).

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(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. 1989/339](#), as amended by [S.I. 1991/524](#), [2036](#) and [2784](#).

### **Transitional arrangements**

3.—(1) Where a claim is made under regulation 100(1) during the months specified in paragraph (2) below, notwithstanding the provisions of paragraphs (3), (4) and (5) of that regulation, it only may be made in respect of the certificates specified in paragraph (2) below and the maximum payment to be made for each claim shall be 54%

- (2) The months and certificates specified for the purposes of paragraph (1) are as follows—
- (a) during September 1992, certificates issued 12, 17, 18, 24, 29, 30, 36, 41 or 42 months previously;
  - (b) during October 1992, certificates issued 12, 16, 17, 24, 28, 29, 36, 40 or 41 months previously;
  - (c) during November 1992, certificates issued 12, 15, 16, 24, 27, 28, 36, 39 or 40 months previously.

### **Amendment of the Civil Legal Aid (General) Regulations 1989**

4. In regulation 2 for the word “These” there shall be substituted the words “Subject to section 15(7)(a) of the Act, these”.

5. In paragraph 3 of regulation 12 the words after “interview” shall be omitted.

6. In regulation 16—

- (a) after the word “application” at the end of sub-paragraph (b) of paragraph (1) there shall be inserted “; or,” and the following new sub-paragraph—
  - “(c) where the application is made by a minor who is entitled to begin, prosecute or defend any proceedings without a next friend or guardian ad litem, the person making the application shall be that minor’s solicitor”;
- (b) paragraph (2) shall be omitted;
- (c) in paragraph (4) for the words “or guardian ad litem” there shall be substituted the words “, guardian ad litem or (where there is no next friend or guardian ad litem ) solicitor”.

7. For paragraphs (3), (4) and (5) of regulation 100 there shall be substituted the following new paragraphs—

- “(3) A payment may only be made under this regulation when—
  - (a) in the case of a claim under paragraph (1), a period of 12 months has elapsed since the date on which the certificate was issued, or
  - (b) in the case of a claim under paragraph (2), a period of 18 months has elapsed since the date on which the certificate was issued, or
  - (c) a further period of 12 months or 24 months has elapsed since the date specified in paragraph (a) or (b).
- (4) A claim may only be made under this regulation within the period of 2 months before to 4 months after any period specified in paragraph (3).
- (5) The maximum payment to be made for each claim under this regulation in any one financial year shall be—
  - (a) in the case of a claim under paragraph (1):
    - for the financial year 1992/93 54%
    - for the financial year 1993/94 62%
    - for the financial year 1994/95 70%
    - for the financial year 1995/96 and thereafter 75%

- (b) in the case of a claim under paragraph (2):  
for the financial year 1992/93 62%  
for the financial year 1993/94 70%  
for the financial year 1994/95 and thereafter 75%”.

8. After Part XV there shall be inserted the following new Part to the Regulations—

## “PART XVI

### REPRESENTATION BY MEANS OF CONTRACTS

#### **Extent of power to contract**

**152.**—(1) The power of the Board to secure the provision of representation under Part IV of the Act by means of contracts with other persons shall be exercisable in a multi-party action which includes any claim prescribed by paragraph (2) below.

(2) The claims prescribed for the purposes of paragraph (1) above are claims in respect of personal injuries as defined by regulation 4(5) of the Civil Legal Aid (Assessment of Resources) Regulations 1989<sup>(3)</sup>.

(3) In this regulation “multi-party action” means any action or actions in which 10 or more assisted persons have causes of action which involve common issues of fact or law arising out of the same cause or event.”.

Dated 6th March 1992

*Mackay of Clashfern, C.*

We consent,

Dated 9th March 1992

*Gregory Knight*  
*Irvine Patnick*  
Two of the Lords Commissioners of Her  
Majesty’s Treasury

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(3) [S.I. 1989/338](#); the relevant amending instrument is [S.I. 1990/484](#).

**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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## EXPLANATORY NOTE

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

These Regulations amend the Civil Legal Aid (General) Regulations as follows:

- (1) by amending regulation 16 as follows—
  - (a) permitting the solicitor of a minor who is able to sue on his own behalf to make an application for legal aid on behalf of that minor;
  - (b) allowing that solicitor to be treated as the minor’s agent, and
  - (c) removing the requirement for those making applications for legal aid on behalf of minors and mental patients to sign an undertaking to pay contributions if so required by the Board(*regulation 6*);
- (2) by amending the payment on account scheme in regulation 100 as follows—
  - (a) providing that a claim for a payment on account may be made within a period of 2 months before to 4 months after the date at which a payment falls due(*regulation 7*);
  - (b) providing for a solicitor to receive a payment on account after 12 months have elapsed since issue of the certificate and maintaining the maximum payment allowable to solicitors at 54 % for the financial year 1992—93 from 1st December 1992. (Thereafter the maximum payment increases at intervals up to 75% as previously prescribed, but these maxima are now delayed by one financial year) (*regulation 7*). The scheme is phased in by transitional arrangements spanning September to December 1992 (*regulation 3*). [Provisions affecting the Bar remain unchanged];
- (3) by providing for representation by means of contracts in multi-party actions involving personal injury claims(*regulations 4 and 9*);
- (4) by amending regulation 12(3) to remove a reference to a certificate issued on a form of undertaking under paragraph (2) of that regulation which was overlooked when paragraph (2) itself was omitted by an earlier amending instrument (*S.I. 1991/2036*) (*regulation 5*).