
STATUTORY INSTRUMENTS

1992 No. 591

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

**The Legal Advice and Assistance
(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>1st April 1992</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 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, the Law Society, and with the consent of the Treasury, hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Legal Advice and Assistance (Amendment) Regulations 1992 and shall come into force on 1st April 1992.

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 of the Legal Advice and Assistance Regulations 1989

3. In regulation 14—

- (a) in paragraph (1) after “(2)” there shall be inserted “or (2A)”;
- (b) after paragraph (2) there shall be inserted the following new paragraph—

“(2A) A solicitor may accept an application for advice and assistance from a child in relation to proceedings in which that child is entitled to begin, prosecute or defend without a next friend or guardian *ad litem*.”.

(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”.

(2) S.I. 1989/340 as amended by S.I. 1989/560, S.I. 1990/486, S.I. 1991/636 and S.I. 1991/2305.

4. For paragraph (1) of regulation 30 there shall be substituted the following new paragraph—

“**30.**—(1) Subject to paragraphs (2) and (3), in any assessment or review of a claim for costs made under these Regulations the amount to be allowed shall be assessed under the Costs Regulations as if the work done was work done by a solicitor in criminal proceedings in a magistrates' court, save that—

- (a) any reference in regulation 7 to regulation 54 of the General Regulations shall be construed as a reference to regulation 22(7) of these Regulations; and
- (b) the words from “in taking” to “given or” in regulation 7(6) and paragraphs 2 and 3 of Schedule 1, Part I shall not apply.”

5. After regulation 30 there shall be inserted the following new regulation—

“Payment on account

30A.—(1) A solicitor acting for a client who is in receipt of ABWOR may apply to the Area Director for the payment of a sum on account of disbursements incurred or about to be incurred in connection with the proceedings to which the approval of ABWOR relates.

(2) Where a payment is made under this regulation, then notwithstanding that there is no deficiency, the solicitor shall, at the conclusion of the case, submit to the Area Director a statement of his costs, the amount of any contribution payable and the value of any charge arising under section 11 of the Act.

(3) In the event of any payment under this regulation proving to be greater than the assessed deficiency (if any) found to be due, the solicitor shall, on demand, repay the excess to the fund and, where the assessed deficiency exceeds any payment made under this regulation, the balance shall be paid from the fund.

(4) In this regulation “deficiency” and “assessed deficiency” shall have the meanings assigned by regulation 29.”

6. After regulation 36 there shall be inserted the following new regulation—

“Computation of time

37.—(1) Where, under these Regulations, an act is required to be done within a specified period after or from a specified date, the period of time so fixed starts immediately after that date.

(2) The period within which an act is required or authorised to be done under these Regulations may, if the Area Director thinks fit, be extended and any such period may be extended although the application for extension is not made until after the expiration of the period.”

7. For the table in Schedule 6 there shall be substituted, in respect of work done on or after 1st April 1992, the following new table—

“Class of work	Rate
Preparation	£52 per hour—(£55.50 per hour for a fee earner whose office is situated within legal aid area 1)
Advocacy	£63 per hour
Attendance at court where counsel assigned	£29.50 per hour

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

<i>“Class of work</i>	<i>Rate</i>
<i>Travelling and waiting</i>	<i>£24.25 per hour</i>
<i>Routine letters written and routine telephone calls</i>	<i>£3.70 per item”.</i>

Dated 6th March 1992

Mackay of Clashfern, C.

We consent,

Gregory Knight

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

Dated 9th March 1992

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—

(1) allowing a solicitor to accept an application for advice and assistance from a child in relation to proceedings in which that child is able to sue on his own behalf without the need for authorisation from the Area Director; (regulation 3) —

(2) providing for a basis of assessment for disbursements (regulation 4)—

(3) providing for payments on account in respect of disbursements incurred in respect of a client in receipt of ABWOR (regulation 5)—

(4) providing from when any specified period of time is to run and allowing for that time to be extended by the Area Director (regulation 6) —

(5) increasing the rates of remuneration payable in respect of advice by way of representation (ABWOR) in relation to proceedings before Mental Health Review Tribunals (regulation 7).