
STATUTORY INSTRUMENTS

1994 No. 1824

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

**The Legal Advice and Assistance at Police Stations
(Remuneration) (Amendment) Regulations 1994**

<i>Made</i>	- - - -	<i>5th July 1994</i>
<i>Laid before Parliament</i>		<i>11th July 1994</i>
<i>Coming into force</i>	- -	<i>1st August 1994</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 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 at Police Stations (Remuneration) (Amendment) Regulations 1994 and shall come into force on 1st August 1994.
2. In these Regulations a regulation referred to by number alone means a regulation so numbered in the Legal Advice and Assistance at Police Stations (Remuneration) Regulations 1989(2) and a reference to a Schedule means the Schedule to those Regulations.

Amendment of the Legal Advice and Assistance at Police Stations (Remuneration) Regulations 1989

3. Regulation 2 shall be amended by inserting—
 - (a) after the definition of “business day” the following definition:—

““contract” means a contract entered into by the Board with other persons or bodies pursuant to its powers under section 4 of the Act;”;
 - (b) after the definition of “duty solicitor scheme” the following definition:—

““franchisee” means a person or body (other than the Board) acting under the terms of a franchising contract;”.
4. Regulation 5 shall be amended as follows:—

(1) 1988 c. 34; sections 34 and 43 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60 and 63. Section 43 is an interpretation provision and is cited because of the meaning assigned to the word “regulations”.

(2) S.I.1989/342, as amended by 1990/487, 1991/527 and 1992/594.

- (a) by substituting in paragraph (5) for “Subject to paragraph (6)” the words “Subject to paragraphs (6) and (7)”;
 - (b) by inserting after paragraph (6) the following paragraph:—
 - “(7) Paragraph (5) shall not apply where a franchisee certifies that advice and assistance was required in the interests of justice to be given as a matter of urgency.”.
5. In the Schedule, paragraph 2 shall be amended as follows:—
- (a) by inserting at the beginning “—(1) Subject to sub-paragraph (2),”;
 - (b) by adding at the end the following new sub-paragraph:—
 - “(2) Sub-paragraph (1) shall not apply where the duty solicitor is a franchisee providing advice and assistance under a franchising contract.”.

Dated 1st July 1994

Mackay of Clashfern, C.

We consent,

Dated 5th July 1994

Tim Wood
Andrew Mackay
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Advice and Assistance at Police Stations (Remuneration) Regulations 1989 to take account of the Legal Aid Board's franchising scheme. The Board has power under section 4 of the Legal Aid Act 1988 to enter into contracts for the provision of advice and assistance. The amendments—

- (1) enable a franchisee to exceed the limit on fees where he certifies that more advice and assistance was required as a matter of urgency, and
- (2) disapply the reduction of fees for availability where the duty solicitor franchisee is allowed other fees under these Regulations relating to the same duty period.