
STATUTORY INSTRUMENTS

1995 No. 949

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

**The Legal Advice and Assistance
(Amendment) (No. 2) Regulations 1995**

<i>Made</i>	- - - -	<i>30th March 1995</i>
<i>Laid before Parliament</i>		<i>31st March 1995</i>
<i>Coming into force</i>	- -	<i>24th April 1995</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 having 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. These Regulations may be cited as the Legal Advice and Assistance (Amendment) (No. 2) Regulations 1995 and shall come into force on 24th April 1995.

Interpretation

2. In these Regulations a reference to any regulation or Schedule by number alone means the regulation or Schedule so numbered in the Legal Advice and Assistance Regulations 1989(2).

Transitional provisions

3. These Regulations shall apply for the purposes of work done on or after 24th April 1995 to which the Legal Advice and Assistance Regulations 1989 apply.

(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 given to “regulations”.

(2) S.I. 1989/340, as amended by S.I. 1989/560, 1990/486, 1991/636 and 2305, 1992/591, 719 and 2654, 1993/790 and 1994/805 and 1823.

Amendments to the Legal Advice and Assistance Regulations 1989

4. In regulation 4(1)(b), for “paragraph 1(1)(a) of Part I of Schedule 1 to the Costs Regulations” there shall be substituted “paragraph 1 (or paragraph 2 in the case of a franchisee) of Schedule 6”.

5. Regulation 30 shall be amended as follows:—

- (a) in paragraph (1)(a), the word “and” shall be omitted;
- (b) in paragraph (1)(b), the words “and paragraphs 2 and 3 of Schedule 1, Part I” shall be omitted;
- (c) the following sub-paragraph shall be added after paragraph (1)(b):—
 - “, and
 - (c) Schedule 6 to these Regulations shall apply instead of Part I of Schedule 1 to the Costs Regulations.”;
- (d) paragraph (3) shall be omitted.

6. The Schedule to these Regulations shall be substituted for Schedule 6.

Dated 29th March 1995

Mackay of Clashfern, C.

We consent

Dated 30th March 1995

Timothy Wood
Timothy Kirkhope
Two of the Lords Commissioners of Her
Majesty’s Treasury

Status: This is the original version (as it was originally made).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

SCHEDULE

Regulation 6

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Regulation 30

1. Subject to paragraphs 2, 3 and 4, the amount to be allowed shall be assessed at the following prescribed rates:

Class of work	Rate	
Preparation	£43.25 per hour	— (£45.75 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy	£54.50 per hour	
Attendance at court where counsel assigned	£29.50 per hour	
Travelling and waiting	£24.25 per hour	
Routine letters written and routine telephone calls	£3.35 per item	— (£3.50 per item for a fee-earner whose office is situated within legal aid area 1)

2. Subject to paragraph 4, where advice and assistance is provided by a franchisee, the following rates shall apply instead of those contained in paragraph 1:

Class of work	Rate	
Preparation	£44.25 per hour	— (£46.75 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy	£55.50 per hour	
Attendance at court where counsel assigned	£30.00 per hour	
Travelling and waiting	£24.75 per hour	
Routine letters written and routine telephone calls	£3.45 per item	— (£3.60 per item for a fee-earner whose office is situated within legal aid area 1)

3. Subject to paragraph 4, where the claim is in respect of ABWOR to which Part III of the Act applies by virtue of regulation 9(a) or (c) of the Scope Regulations, the following rates shall apply instead of those contained in paragraph 1:

Class of work	Rate	
Preparation	£52.00 per hour	— (£55.50 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy	63.00 per hour	
Attendance at court where counsel assigned	£29.50 per hour	

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Class of work	Rate
Travelling and waiting	£24.25 per hour
Routine letters written and routine telephone calls	£3.70 per item

4. Where the claim is in respect of ABWOR to which Part III of the Act applies by virtue of regulation 9(a) or (c) of the Scope Regulations and the work is done by a franchisee, the following rates shall apply instead of those contained in paragraphs 1, 2 and 3:

Class of work	Rate
Preparation	£53.00 per hour — (£56.50 per hour for a fee-earner whose office is situated within legal aid area 1)
Advocacy	£64.25 per hour
Attendance at court where counsel assigned	30.00 per hour
Travelling and waiting	£24.75 per hour
Routine letters written and routine telephone calls	£3.80 per item

5. In paragraphs 1 to 4, “legal aid area” means an area specified by the Board under regulation 4(1) of the Civil Legal Aid (General) Regulations 1989⁽³⁾, and legal aid area 1 means the area so numbered by the Board.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Advice and Assistance Regulations 1989. They set out the increased rates of remuneration payable for legal advice and assistance given on or after 24th April 1995. Higher rates are provided for franchisees.

⁽³⁾ S.I. 1989/339, as amended by S.I. 1994/1822.