
STATUTORY INSTRUMENTS

2000 No. 2227

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

The Legal Aid Act 1988 (Modification) Regulations 2000

<i>Made</i>	- - - -	<i>10th August 2000</i>
<i>Laid before Parliament</i>		<i>17th August 2000</i>
<i>Coming into force</i>	- -	<i>2nd October 2000</i>

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

Citation and commencement

1. These Regulations may be cited as the Legal Aid Act 1988 (Modification) Regulations 2000 and shall come into force on 2nd October 2000.

Interpretation

2. In these Regulations—

“the Act” means the Legal Aid Act 1988;

any reference to a section by number alone means the section so numbered in the Act;

any reference to a person appearing or being brought before a magistrates' court includes a person appearing or being brought before a justices' clerk acting under section 50 of the Crime and Disorder Act 1998(2) (early administrative hearings).

Transitional provisions

3. These Regulations shall apply to applications for legal aid made on or after 2nd October 2000, and any application for legal aid made before that date shall be treated as if these Regulations had not come into force.

(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 34(3) confers power to modify the Act for the purposes of its application in prescribed circumstances; section 43 is an interpretation provision and is cited because of the meaning given to “regulations”.

(2) 1998 c. 37.

Modifications to the Legal Aid Act 1988

4.—(1) For the purposes of the application of the Act in the circumstances set out in paragraph (2) or (3) below, the Act shall have effect as if the following provisions were omitted:—

- (a) in section 21(2), the words “Subject to subsection (5) below,”;
- (b) section 21(5) and (6);
- (c) sections 23 and 24;
- (d) section 26(3).

(2) The circumstances in this paragraph exist where:—

- (a) a person who has been charged with an offence at a police station appears or is brought before a magistrates' court;
- (b) that court is considering the grant of representation under Part V of the Act, for that or another offence; and
- (c) the proposed representation does not relate to—
 - (i) an offence triable only on indictment; or
 - (ii) any other offence for which he will be sent to the Crown Court for trial under section 51 of the Crime and Disorder Act 1998.

(3) The circumstances in this paragraph exist where a person appears or is brought before a youth court.

Signed by authority of the Lord Chancellor

Dated 3rd July 2000

David Lock
Parliamentary Secretary
Lord Chancellor's Department

We consent

Dated 10th August 2000

Jim Dowd
Bob Ainsworth
Two of the Lords Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations modify the Legal Aid Act 1988 so that, where a person appears before a magistrates' court following charge at a police station, criminal legal aid is available to that person without reference to financial resources, and without the need for a statement of means or a contribution to the costs of representation. This modification does not extend to cases where the court sends a person to the Crown Court for trial under the procedure for offences triable only on indictment.