

**2001 No. 616**

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

**The Legal Aid in Criminal and Care Proceedings (General)  
(Amendment) Regulations 2001**

*Made - - - - 28th February 2001*

*Laid before Parliament 2nd March 2001*

*Coming into force 1st April 2001*

The Lord Chancellor, in exercise of the powers conferred on him by sections 23, 24 and 34 of the Legal Aid Act 1988(a), having consulted the Magistrates' Courts Rule Committee, hereby makes the following Regulations:—

1. These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (General) (Amendment) Regulations 2001 and shall come into force on 1st April 2001.

2. In the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989(b)—

(a) in regulation 3(1) for the definition of “justices’ clerk” there shall be substituted the following definition—

““justices’ chief executive” includes a person duly authorised by the justices’ chief executive for a magistrates’ court to act on his behalf to the extent that he is so authorised”;

and in the definition of “proper officer” for the words “justices’ clerk”, in each place where they occur, there shall be substituted the words “justices’ chief executive for the court”;

(b) in regulations 11 to 21, 40, 42, 51(4) and 61(1) for the words “justices’ clerk”, in each place where they occur, there shall be substituted the words “justices’ chief executive”; and

(c) in Form 2 in Schedule 2 for the words “Justices’ Clerk”, and in Forms 3, 6, 7 and 8 in that schedule for the words “Clerk to the Justices”, in each place where they occur, there shall be substituted the words “Justices’ Chief Executive”.

28th February 2001

*Irvine of Lairg, C.*

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(a) 1988 c. 34; for the meaning of “regulations” see section 43. Section 34 is repealed by section 106 of, and Part I of Schedule 15 to, the Access to Justice Act 1999 (c. 22) but this repeal is subject to the saving in article 5 of the Access to Justice Act 1999 (Commencement No. 3, Transitional Provisions and Savings) Order 2000 (S.I. 2000/774).

(b) S.I. 1989/344; the relevant amending instruments are S.I. 1993/789, S.I. 1993/1895, S.I. 1995/542, S.I. 1998/662, S.I. 1998/2909, S.I. 1999/815 and S.I. 2000/431.

## EXPLANATORY NOTE

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

These Regulations amend the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989 to transfer the administrative functions of justices' clerks under the Regulations to justices' chief executives in line with section[s] 90 (transfer of clerks' functions to chief executives) [and 91 (accounting etc. functions of chief executives)] of, and Schedule 13 to, the Access to Justice Act 1999 which make corresponding transfers in primary legislation.

Subsection (5) of section 90 provides that, for the purposes of that section, the administrative functions of justices' clerks are all of their functions apart from those which are legal functions within the meaning of section 48(2) of the Justices of the Peace Act 1997 (c. 25) as substituted by section 89(1) of the 1999 Act.

**£1.50**

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E 0433 03/01 ON (MFK)