1954 No. 166

The Legal Aid (General) (Amendment No. 1) Regulations, 1954

Made - - - -	15*th February*, 1954
Laid before Parliament	18*th February*, 1954
Coming into Operation	1*st March*, 1954

In pursuance of the powers conferred upon me by Part I of the Legal Aid and Advice Act, 1949(a), I, Gavin Turnbull, Baron Simonds, Lord High Chancellor of Great Britain, hereby make the following Regulations:—

PART I

REGULATIONS COMING INTO FORCE ON THE FIRST DAY OF MARCH, 1954

1.—(1) These Regulations may be cited as the Legal Aid (General) (Amendment No. 1) Regulations, 1954.

(2) The Regulation and paragraph referred to by number in these Regulations mean the Regulation and paragraph so numbered in the Legal Aid (General) Regulations, 1950(b).

(3) The Form referred to by number in these Regulations means the Form so numbered in the Appendix to the Legal Aid (General) Regulations, 1950.

(4) Part I of these Regulations shall come into force on the first day of March, 1954, and Part II of these Regulations shall come into force on the twenty-seventh day of April, 1954.

2. In paragraph (6) of Regulation 3 there shall be substituted for the words "paragraph (3) of Regulation 5", the words "paragraph (4) of Regulation 5".

3. In paragraph (1) of Regulation 4 there shall be substituted for "applicating" the word "application" and for the words "paragraph (3) of Regulation 5" the words "paragraph (4) of Regulation 5".

4. Regulation 5 shall be amended as follows:—

(1) To paragraph (3) there shall be added at the end the words—

"Where the probable cost of the proceedings exceeds the maximum amount of contribution determined by the Board, the Local Committee shall assess that maximum amount as the amount of contribution payable in respect of the proceedings."

(2) For paragraph (5) there shall be substituted the following paragraph—

"(5) Where a Local Committee have assessed the amount of contribution payable at a sum less than the maximum amount determined by the Board, and the costs of the proceedings are or are in the opinion of the appropriate Area Committee likely to be greater than the contribution assessed, the appropriate Area Committee shall increase the amount of contribution up to the amount which the proceedings have or are likely to cost or to the maximum amount determined by the Board where that amount is less."

(a) 12, 13 & 14 Geo. 6. c. 51. (b) S.I. 1950/1359 (1950 I, p. 1199).

(3) For the proviso to paragraph (10) there shall be substituted the following proviso—

" Provided that this paragraph shall not apply—

(*a*) to an application made under paragraph (8) of Regulation 10 ; or

(*b*) where the applicant is a wife and it appears to the Local Committee that the husband might reasonably be expected, if ordered to do so, to provide such security for her costs as would, with her contribution, if any, amount to more than ten pounds."

5. There shall be added at the end of Regulation 8 the following new paragraph which shall stand as paragraph (6)—

" (6) An Area Committee shall amend a certificate whenever, under the provisions either of paragraph (1) (*d*) of this Regulation or of paragraph (5) of Regulation 5, they increase the amount of an assisted person's contribution."

6. To paragraph (9) of Regulation 10 there shall be added at the end the words—

" Upon a certificate being extended or becoming revoked under this paragraph the Local Committee shall forthwith issue a notice in Form V to the person to whom the emergency certificate was issued and shall send two copies thereof to his solicitor, who shall forthwith inform any counsel instructed by him in the proceedings."

7. For paragraph (5) of Regulation 11 there shall be substituted the following paragraph—

" (5) When an Area Committee discharge or revoke an assisted person's certificate they shall forthwith issue to him a notice of discharge in Form IV or Form IVA or a notice of revocation in Form V (as the case may be) and shall send two copies thereof to his solicitor, who shall forthwith inform any counsel instructed by him in the proceedings of the Committee's decision."

8. Regulation 12 shall be amended as follows—

(1) In paragraph (2) there shall be inserted after the words " by an Area " the words " or Local ", and, in the proviso to that paragraph, there shall be inserted after the words " revoke or discharge a certificate " the words " or if a certificate has been revoked under the provisions of paragraph (9) of Regulation 10,".

(2) In paragraph (5) (*b*) there shall be substituted for the words " allowed on a taxation according to the ordinary rules applicable on a taxation as between solicitor and own client ", the words " of his solicitor and own client costs as taxed or agreed ".

9. To paragraph (2) of Regulation 13 there shall be added at the end the words " and shall pay the balance, if any, from any monies which would otherwise be payable to the assisted person under the provisions of paragraph (6) of Regulation 16."

10. Regulation 15 shall be amended as follows—

(1) For paragraph (3) there shall be substituted the following paragraph—

" (3) A solicitor receiving from an Area or Local Committee under the provisions of these Regulations copies of Forms IV, IVA or V or (where

an assisted person's certificate is amended under the provisions of Regulation 8 (1) (*a*) or (*b*)) of Form II shall forthwith serve notice of the fact in Form VII upon any other persons who are parties to the proceedings and are not in default in entering appearance."

(2) In paragraph (7) there shall be substituted for the words " paragraph (4) ", the words " paragraph (5) ".

(3) For paragraph (8) there shall be substituted the following paragraph—

" (8) Any document filed or exhibited under the provisions of this Regulation shall be bespoken or made available for the use of the judge at the hearing."

11. There shall be added after paragraph (7) of Regulation 16 the following new paragraph which shall stand as paragraph (8)—

" (8) The provisions of this Regulation shall not apply to monies payable under the provisions of sections 3 (2) and 5 (4) of the Guardianship of Infants Act, 1925, or sections 19, 20, 22, 23, 26 and 28 of the Matrimonial Causes Act, 1950, and for the purposes of section 3 (4) of the Legal Aid and Advice Act, 1949, the expression ' property ' shall not be taken as including any monies so payable."

12. For paragraph (5) of Regulation 18 there shall be substituted the following paragraph—

" (5) Until the Lord Chancellor otherwise prescribes, the determination of the sums allowed to counsel retained by solicitors employed by The Law Society for salaries to act in connection with matrimonial causes concluded after the date upon which this Regulation comes into force shall, having regard to the lack of means of assisted persons of that class (being persons from whom, had there not been legal aid, solicitors and barristers would have customarily accepted specially low remuneration), unless the Lord Chancellor in any particular case otherwise orders, be the amounts set out in the Schedule to these Regulations."

13. In the Schedule to the Legal Aid (General) Regulations, 1950, for the figures " £1.3.6.", wherever they occur, there shall be substituted, in respect only of matrimonial causes concluded after the date upon which this Regulation comes into force, the figures " £2.5.6."

14. There shall be inserted in the Appendix after Form IV the following new Form which shall stand as Form IVA—

" LEGAL AID (GENERAL) REGULATIONS, 1950

FORM IVA

THE LAW SOCIETY

Date..... No.....Legal Aid Area

Ref..... (Address of Area Headquarters)

Certificate No.....

Case Code.....

Category .....

DEAR SIR/MADAM,

Legal Aid and Advice Act, 1949

The Area Committee have considered the report of your solicitor upon the proceedings to which your civil aid certificate related and are satisfied that such proceedings have now been disposed of. The Area Committee have accordingly discharged the certificate issued to you and numbered as above. You have therefore ceased to be an assisted person in connection with such proceedings and your solicitor and counsel (if any) have ceased to act for you therein.

You will hear further from me in due course regarding the financial position between yourself and The Law Society.

Yours faithfully,

Area Secretary."

PART II

REGULATIONS COMING INTO FORCE ON THE TWENTY-SEVENTH DAY OF APRIL, 1954

15. At the beginning of paragraph (1) of Regulation 3 there shall be inserted the words " Subject to Regulation 3B ".

16. After Regulation 3 there shall be inserted the following new Regulation which shall stand as Regulation 3A—

" *Applications on behalf of Infants and Persons of Unsound Mind*

3A—(1) Save as is hereinafter provided, an application for legal aid for an infant or person of unsound mind shall be made by a person of full age and capacity on his behalf, and where the application relates to proceedings which are required by rule of court to be brought or defended by next friend or guardian *ad litem*, that person shall be the next friend or guardian *ad litem*, or, where proceedings have not actually begun, a person intending to act in either capacity.

(2) The Area or Local Committee shall not issue a certificate applied for by a person on behalf of an infant or person of unsound mind unless that person has signed an undertaking to pay to The Law Society (if called upon to do so) any sum which, by virtue of any provision of the Act or Regulations, the Local or Area Committee may require an assisted person of full age and capacity to pay upon the issue or during the currency or upon discharge or revocation of the certificate.

(3) Any certificate issued by virtue of this Regulation shall be in the name of the infant or person of unsound mind, stating the name of the person by whom he has applied.

(4) In any matter relating to the issue, amendment, revocation or discharge of a certificate issued by virtue of this Regulation and in any other matter which may arise as between an assisted person and an Area or Local Committee, the person by whom the infant or person of unsound mind has applied for a certificate shall be treated for all purposes (including the receipt of notices) as the agent of the infant or person of unsound mind.

(5) The Area or Local Committee may, where the circumstances appear appropriate to do so, waive all or any of the requirements of the preceding paragraphs of this Regulation.

(6) Where an infant is an assisted person, his means for the purpose of determining his liability for costs under s. 2 (2) (*e*) of the Act (which limits the liability of persons to whom legal aid is granted under the Act) shall be taken as including the means of any contributor whose disposable income and disposable capital has, by virtue of the Legal Aid (Assessment of Resources) Regulations, 1950(**a**), been included by the Board in computing the infant's rate of income and amount of capital, but shall not include the means of the person by whom he has applied unless that person is a contributor.

(7) Where an order for costs is made against a next friend or guardian *ad litem* of an infant assisted person or of an assisted person of unsound mind, he shall have the benefit of s. 2 (2) (*e*) of the Act in like manner as it applies to an assisted person, and the means of the next friend or guardian *ad litem* shall be taken as being the means of the infant as defined in the immediately preceding paragraph of this Regulation or of the person of unsound mind."

17. After Regulation 3A there shall be inserted the following new Regulation which shall stand as Regulation 3B—

"*Certificates in Appellate Courts*

3B—(1) An application for legal aid in respect of proceedings in an appellate court (other than an interlocutory appeal from a court below) shall be made:—

(*a*) if the applicant is resident in England or Wales to any Area Committee; and

(*b*) if the applicant is resident elsewhere, to the Area Committee for London.

(2) The provisions of Regulations 3, 4, 5 (except paragraph (4)), 6 and 10 shall (where applicable) apply to applications for and the issue and refusal of certificates in resect of such proceedings as aforesaid, and to the duties of Area Committees, as they apply to those matters respectively in relation to other proceedings, and as if for the references in those Regulations repectively to Local Committees, there were substituted where applicable references to Area Committees."

18. For paragraph (4) of Regulation 5 there shall be substituted the following paragraph—

"(4) Where an application is approved relating to—

(*a*) proceedings (other than interlocutory proceedings) in an appellate court in any action, cause or matter, in which the applicant was an assisted person in the court below; or

(*b*) proceedings in the High Court by way of a new trial ordered by an appellate court before whom the applicant was an assisted person;

the Local or Area Committee shall not require the Board to redetermine the applicant's disposable income and disposable capital but shall, save as is hereinafter provided, assess the amount of contribution, if any, payable in respect of the proceedings at an amount not greater than the maximum contribution determined by the Board in relation to the previous proceedings less any amount assessed by any Local or Area Committee to be paid in respect of those proceedings:

(**a**) S.I. 1950/1358 (1950 I, p. 1190).

Provided that, if, since the last determination by the Board of the disposable income and disposable capital of the applicant, his circumstances have altered otherwise than as a result of the payment of a contribution in respect of the previous proceedings, they may require the Board to redetermine his disposable income and disposable capital and shall take into account any increase or decrease in the amount of his disposable income by an amount greater than twenty-six pounds and any increase in the amount of his disposable capital by an amount greater than seventy-five pounds."

19. There shall be substituted for paragraphs (1) and (2) of Regulation 7 the following new paragraphs—

"(1) Where a person has applied for and has been refused a certificate on more than four occasions and it appears to any Area or Local Committee to whom such person applies that his conduct may amount to an abuse of the facilities provided by the Act, then, if the last application has been made to a Local Committee, the Committee may report thereon to the appropriate Area Committee.

(2) If the last application has been made to an Area Committee or if a report under the provisions of the immediately preceding paragraph of this Regulation has been made to them by a Local Committee, then the Committee may—

(*a*) enquire whether any other Local Committee in their area or other Area Committee has received an application from the person referred to;

(*b*) call for a report as to the circumstances of any such other application; and

(*c*) if they consider that the person named in the report has abused the facilities provided by the Act, report thereon to The Law Society making such recommendations as seem to the Area Committee to be just."

20. In paragraphs (1) and (5) of Regulation 8 there shall be substituted for the words "fifty-two pounds", the word "twenty-six pounds".

21. Regulation 10 shall be amended as follows—

(1) For paragraph (10) there shall be substituted the following paragraph—

"(10) A certificate issued as a result of an application made under paragraph (8) of this Regulation shall take effect from the date upon which the emergency certificate was issued, and shall state—

(*a*) the date of issue of the emergency certificate;

(*b*) the date and the period of any extension of the emergency certificate under the provisions of paragraph (9) of this Regulation; and

(*c*) the date of issue of the certificate."

(2) To paragraph (11) there shall be added at the end the words—

"and shall forthwith issue a notice of revocation in Form V to the person to whom the emergency certificate was issued and shall send two copies thereof to his solicitor, who shall forthwith inform any counsel instructed by him in the proceedings of the Committee's decision."

22. In paragraph (2) of Regulation 11 there shall be inserted after the proviso to sub-paragraph (*d*) the following sub-paragraph which shall stand as sub-paragraph (*e*)—

"(*e*) On being satisfied by the report of an assisted person's solicitor or otherwise—

(i) that the assisted person has died, or

(ii) that the assisted person has had a receiving order made against him,"

and for the words " and shall discharge a certificate if, as a result of a further determination by the Board under the provisions of Regulation 8, the disposable income of an assisted person exceeds £420 a year." there shall be substituted the following paragraph which shall stand as paragraph (2A)—

" (2A) The appropriate Area Committee shall discharge a certificate if—

(*a*) as a result of a further determination by the Board under the provisions of Regulation 8—

(i) the disposable income of an assisted person exceeds £420 a year ; or

(ii) the disposable capital of an assisted person exceeds £500 and the probable costs which might reasonably be incurred by him in continuing the proceedings, otherwise than as an assisted person, would not exceed the maximum contribution payable under the determination ;

(*b*) as a result of any information coming to their knowledge they consider that the assisted person no longer has reasonable grounds for taking, defending or being a party to the proceedings or, as the case may be, that it is unreasonable in the particular circumstances for him to continue to receive legal aid:

Provided that a certificate shall not be discharged under this subparagraph until the assisted person has been given an opportunity to show cause why the certificate should not be discharged."

23. Regulation 14 shall be amended as follows—

(1) There shall be inserted after paragraph (6) the following new paragraph which shall stand as paragraph (6A)—

" (6A) Where it appears to the assisted person's solicitor necessary for the proper conduct of the proceedings for any act to be done, but that the act is either unusual in its nature or involves unusually large expenditure, he may request the appropriate Area Committee to obtain The Law Society's prior approval of the act, and, where such prior approval has been obtained, no question as to the propriety of the act shall be raised on taxation as between solicitor and client in accordance with the provisions of the Third Schedule to the Act."

(2) For paragraph (8) there shall be substituted the following paragraph—

" (8) Where any solicitor or counsel exercises the right to give up an assisted person's case—

(*a*) under the provisions of paragraph (7) of this Regulation ; or

(*b*) on the ground that the assisted person has wilfully failed to provide the information to be furnished by him or in furnishing such information has knowingly made a false statement or false representation ;

the solicitor shall make a report to the appropriate Area Committee of the circumstances in which that right was exercised."

(3) To paragraph (12) there shall be added at the end the words—

"and without prejudice to the generality of the preceding words, a solicitor who has acted or is acting for an assisted person, on being satisfied that the assisted person has died or has had a receiving order made against him, shall report the facts to the appropriate Area Committee."

(4) There shall be added after paragraph (12) the following new paragraph which shall stand as paragraph (13)—

"(13) Neither solicitor nor counsel shall be precluded, by reason of any privilege arising out of the relationship between counsel, solicitor and client, from disclosing to an Area Committee any information or from giving any opinion which may enable that Committee to perform their functions under the provisions of paragraph (2A) (*b*) of Regulation 11."

24. For paragraph (5) of Regulation 15 there shall be substituted the following paragraph—

"(5) A solicitor receiving from an Area or Local Committee under the provisions of these Regulations copies of Forms I, II, III, IV, IVA or V shall, within fourteen days of the date of their issue by a Local or Area Committee, or, if the proceedings have not then begun, upon their commencement, file one copy thereof in the appropriate court office or registry. The time for filing may be extended on *ex parte* application to the Court showing reasonable grounds on such terms as may be just."

25. Regulation 16 shall be amended as follows—

(1) In paragraph (1) there shall be substituted for the words "All monies payable to an assisted person—(*a*) by virtue of any order or agreement made in proceedings to which his certificate relates;", the words—

"Subject to the provisions of paragraph (8) of this Regulation all monies payable to an assisted person—

(*a*) by virtue of any agreement or order made in connection with the action, cause or matter to which his certificate relates, whether such agreement be made before or after proceedings are actually begun;"

(2) For paragraph (2) there shall be substituted the following paragraph—

"(2) Upon receipt of monies paid to him by virtue of this Regulation the assisted person's solicitor shall—

(*a*) inform the appropriate Area Committee of any property recovered or preserved for the assisted person in any action, cause or matter where, by virtue of paragraph (2) of Regulation 18, his remuneration falls to be determined by them;

(*b*) pay to The Law Society—

(i) any sum paid to him in proceedings in which the costs of the assisted person are, by virtue of paragraph (3) of Regulation 18, required to be taxed as between solicitor and client; and

(ii) any sum paid to him by virtue of an agreement for costs made in the assisted person's favour in connection with any action, cause or matter where, by virtue of paragraph (2) of Regulation 18, his remuneration falls to be determined by the appropriate Area Committee, together with any other sum payable under the agreement which, in the opinion of that

Committee, should be retained by The Law Society in order to safeguard the rights of the Fund under any provision of the Act or these Regulations; and

(*c*) pay any other monies to the assisted person."

26. The following Regulation shall be substituted for Regulation 17—

"*Costs awarded against an assisted person*

17.—(1) Where an order for costs is made against an assisted person, the determination of the amount of his liability for costs in accordance with s. 2 (2) (*e*) of the Act shall be made at the trial or hearing of the action, cause or matter:

Provided that the court may, if it thinks it expedient in the interests of justice and upon such terms, if any, as it thinks fit—

(*a*) postpone or adjourn the determination for such time and to such place, including chambers, as the court thinks fit, so however that the determination shall take place before the judge, official referee, master or registrar before whom the trial or hearing took place; or

(*b*) refer to a master or registrar or, in the case of an appeal from a decision of a county court or court of quarter sessions or court of summary jurisdiction, to the county court registrar, clerk of the peace or clerk to the justices respectively of the court from which the appeal is brought, for investigation in chambers any question of fact relevant to the determination, requiring him to report his finding on that question to the court.

(2) In determining the amount of the assisted person's liability—

(*a*) his dwelling house and household furniture and the tools and implements of his trade shall be left out of account to the like extent as they are left out of account by the Board in determining his disposable income and disposable capital; and

(*b*) any certificate, emergency certificate, notice or affidavit which may have been filed under the provisions of Regulation 15 shall be evidence of the facts stated therein:

Provided that the court may, if it thinks fit, order the assisted person and any party who has filed an affidavit pursuant to paragraph (6) of Regulation 15 to attend for oral examination as to his means and as to any other facts (whether stated in any document before the court or otherwise) relevant to determining the amount of the assisted person's liability and may permit any party to give evidence and call witnesses thereon.

(3) The court may direct—

(*a*) that payment under the order for costs shall be limited to such amount, payable by instalments or otherwise, including an amount to be determined on taxation not exceeding the amount, as the court thinks reasonable having regard to all the circumstances; or

(*b*) where the court thinks it reasonable either for payment under sub-paragraph (*a*) of this paragraph not to be made immediately, or for the assisted person to have no liability for payment, that payment under the order for costs be suspended either until such date as the court may determine or *sine die*.

(4) The party in whose favour the order is made may, within six years from the date thereof, apply to the court for the order to be varied on

the grounds that there has been a change in the assisted person's circumstances since the date of the order and on any such application the order may be varied as the court thinks fit; save as aforesaid the determination of the court shall be final.

(5) Where an assisted person serves notice of discontinuance or where an order for costs is made against him by reason of his default of appearance or defence or by reason of summary judgment, or upon application by him for leave to discontinue, he shall be liable for the full amount of the costs, unless he makes an application for determination of the amount of his liability under the provisions of s. 2 (2) (*e*) of the Act, in which case the court may make any such order for payment as may be made in determining an assisted person's liability by virtue of an order for costs made against him at a trial or hearing of an action, cause or matter and shall, to the same extent, be final."

27. For paragraph (3) of Regulation 18 there shall be substituted the following paragraph—

"(3) Where in any proceedings to which an assisted person is a party—

(*a*) judgment is signed in default of appearance or defence, the judgment shall contain a direction that the costs of any assisted person shall be taxed as between solicitor and client in accordance with the provisions of the Third Schedule to the Act;

(*b*) the court gives judgment or makes a final order in the proceedings, the judgment or order shall include a direction (in addition to any other direction as to taxation contained in the judgment or order) that the costs of any assisted person shall be so taxed;

(*c*) (i) the proceedings are, or have been, brought to an end without a direction having been given, whether under sub-paragraph (*a*) or (*b*) of this paragraph or otherwise as to the assisted person's costs being taxed as between solicitor and client in accordance with the Third Schedule to the Act; or

(ii) a judgment or order in favour of an opposite party, that included a direction that the assisted person's costs be so taxed has not been drawn up or, as the case may be, entered by him; or

(iii) a retainer is determined under the provisions of paragraph (2) of Regulation 12 in such circumstances as to require a taxation in accordance with the provisions of the Act and these Regulations;

an Order that the assisted person's costs be taxed as between solicitor and client in accordance with the Third Schedule to the Act shall be made on *ex parte* application in chambers by his solicitors, and the cost of the application and taxation shall be deemed to be costs in the proceedings to which the certificate relates or related."

28. The Appendix shall be amended as follows—

(1) For Form V there shall be substitued the following Form—

"LEGAL AID (GENERAL) REGULATIONS, 1950

FORM V

THE LAW SOCIETY

Date.....
Ref.....
Certificate No.....
Case Code.....
Category.....

No.....Legal Aid Area
(Address of Area or Local Committee)

DEAR SIR/MADAM,

Legal Aid and Advice Act, 1949

I am requested by the Local / Area Committee to inform you that

*Note. Delete where inapplicable.

*they have decided to extend the period covered by the emergency certificate issued to you and numbered as above, which will now remain in force until the ..... day of ..... 19....

*they have decided to revoke the civil aid / emergency certificate issued to you and numbered as above.

*the emergency certificate issued to you and numbered as above is deemed to have been revoked as it has remained in force for a period exceeding six weeks. / three months.

*the emergency certificate issued to you and numbered as above has been revoked as they have decided not to issue a civil aid certificate in respect of the proceedings to which your emergency certificate related.

*Accordingly—

1. You are deemed never to have been an assisted person in the proceedings to which your certificate related.

2. Your solicitor and counsel (if any) will cease to act further for you in the proceedings to which your certificate related unless you yourself re-employ him or them and become responsible for his or their fees for the future.

3. If you continue the proceedings to which your certificate related and property is recovered or preserved for you, there may be a first charge on such property for the benefit of the Legal Aid Fund in respect of any liability of the Fund on your account.

4. The Law Society have the right to recover from you the costs paid or payable out of the Legal Aid Fund to your solicitor and the fees so payable to your counsel less any amount received from you by way of contribution.

5. Your solicitor has the right to recover from you the difference between the amount paid or payable out of the Fund and the full amount allowed on a taxation according to the ordinary rules applicable on a taxation as between solicitor and own client.

6. You are not now entitled to any protection under Section 2 of the Legal Aid and Advice Act, 1949, in respect of any order for costs which may be made against you with respect to the proceedings to which your certificate related.

I should further draw your attention to the fact that under the Rules of Court where a party discontinues proceedings he may thereby render himself liable for the costs of his opponent.

You will hear further from me in due course regarding the financial position between yourself and The Law Society.

Yours faithfully,

Area Secretary."

(2) In Form VI there shall be substituted for the words "TAKE notice that a Civil Aid Certificate", the words "TAKE notice that [an emergency] [a Civil Aid] Certificate".

(3) In Form VII for the words "TAKE notice that a Civil Aid Certificate dated the ..... day of..... 19 ... issued to the ..... has, on the ..... day of ..... 19 ... been [amended] [discharged] [revoked].", there shall be substituted the words "TAKE notice that a Civil Aid Certificate [dated the ..... day of ..... 19 ... has been issued in respect of the proceedings hitherto covered by an emergency certificate] [dated the ..... day of ..... 19 ... issued to the above-named*] has, on the ..... day of ..... 19 ... been amended / discharged. / revoked",

and there shall be added as a footnote "**Insert plaintiff, petitioner, defendant, respondent, etc., as the case may require.*"

Dated the fifteenth day of February, 1954.

Simonds, C.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The Regulations amend the Legal Aid (General) Regulations, 1950, which, by virtue of Part I of the Legal Aid and Advice Act, 1949, as brought into force by the Legal Aid and Advice Act, 1949 (Commencement) (No. 1) Order, 1949, the Legal Aid and Advice Act, 1949 (Commencement) Order, 1950, and the Legal Aid and Advice Act, 1949 (Commencement No. 4) Order, 1952, make provision for legal aid in proceedings in and commencing in the Supreme Court of Judicature and the Chancery Court of the County Palatine of Lancaster. By Regulation 11 maintenance payments made as a result of assisted proceedings are excluded from the charge for the benefit of the Legal Aid Fund created by s. 3 (4) of the Legal Aid and Advice Act, 1949; Regulation 12 brings payments to counsel retained by solicitors employed by The Law Society into conformity with the minimum fees counsel may accept in other cases; Regulations 16 and 17 make special arrangements for applications for legal aid on behalf of infants and lunatics and for applications relating to appellate proceedings; Regulation 18 extends the principle that no further contribution shall be required from an assisted person who is authorised to appeal against a decision of a court of first instance to cases where an appellate court orders a fresh trial by a court of first instance; Regulation 20 enables the amount of contribution to be varied in accordance with changes in income of 10s. a week or more instead of only in accordance with changes of over £1 a week; Regulations 22 and 23 extend the powers of Area Committees to discharge certificates in certain circumstances and to authorise exceptional expenditure and extend the duties of solicitors and counsel, or enable them, to report circumstances which might lead these Committees to exercise their powers of discharge or revocation; Regulation 25 facilitates the exercise by The Law Society of the charge in favour of the Legal Aid Fund on property recovered and preserved in assisted cases concluded before proceedings have actually commenced. Other amendments are of a drafting character or make minor administrative or procedural changes.