1960 No. 2057

The Legal Aid (General) (Amendment No. 3) Regulations, 1960

Made - - - -	10*th November*, 1960
Laid before Parliament	17*th November*, 1960
Coming into Operation	1*st December*, 1960

I, David Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the powers conferred upon me by sections 12 and 17 of the Legal Aid and Advice Act, 1949(a), as amended(b), and with the concurrence of the Treasury, hereby make the following Regulations:—

1.—(1) These Regulations may be cited as the Legal Aid (General) (Amendment No. 3) Regulations, 1960, and shall come into operation on the first day of December, 1960.

(2) In these Regulations a regulation referred to by number means the regulation so numbered in the Legal Aid (General) Regulations, 1960(c), as amended(d).

2. Regulation 1 (which relates, among other things, to the interpretation of expressions used in the Regulations) shall be amended as follows:—

(*a*) In paragraph (3) for the definition of "Legal Aid (Assessment of Resources) Regulations" there shall be substituted the following definition—

"'Legal Aid (Assessment of Resources) Regulations' means the Legal Aid (Assessment of Resources) Regulations, 1960(e), as amended by any subsequent Regulations".

(*b*) For paragraph (4) there shall be substituted the following paragraph:—

"(4) Where a power to do any act or exercise any jurisdiction or discretion is conferred by any provision of these Regulations on a court, it may, unless it is exercisable only during the trial or hearing of the action, cause or matter, be exercised by—

(*a*) a judge, master or district registrar; or

(*b*) in the House of Lords, the Clerk of the Parliaments; or

(*c*) in the Probate, Divorce and Admiralty Division or in a county court, the registrar."

3. Regulation 6 (which relates to the issue of certificates) shall be amended as follows:—

(*a*) At the end of paragraph (1) there shall be added the words "or to proceedings in more than one appellate court".

(*b*) In sub-paragraph (*b*) of paragraph (4) the words "in the High Court or a county court" shall be omitted.

(a) 12, 13 & 14 Geo. 6. c. 51. (b) 8 & 9 Eliz. 2. c. 29.
(c) S.I. 1960/408 (Pt. II, p. 1757, of this vol.).
(d) S.I. 1960/730, 1472 (Pt. II, pp. 1795, 1797, of this vol.).
(e) S.I. 1960/1471 (Pt. II, p. 1749, of this vol.).

4. In sub-paragraph (*b*) of the proviso to paragraph (1) of Regulation 18 (which relates to costs awarded against an assisted person) for the words "master or registrar" there shall be substituted the words "master, registrar or the Clerk of the Parliaments".

5. In Regulation 19 (which makes miscellaneous provisions as to costs) sub-paragraph (*c*) of paragraph (3) shall be deleted and the following paragraph shall be inserted:—

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

(*a*) the proceedings are, or have been, brought to an end without a direction having been given, whether under the foregoing paragraph of this Regulation 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

(*b*) a judgment or order in favour of an opposite party, which includes 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

(*c*) a retainer is determined under the provisions of paragraph (2) of Regulation 13, 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, to the Clerk of the Parliaments or to the registrar, as the case may be, by his solicitor and the cost of the application and taxation shall be deemed to be costs in the proceedings to which the certificate relates or related."

6. Where, before the coming into force of these Regulations, any person has been admitted in the House of Lords to take, defend or be a party to any proceedings in *forma pauperis*, he may thereafter continue those proceedings in *forma pauperis* as though sub-section (3) of section 17 of the Legal Aid and Advice Act, 1949, were not in force.

Dated the tenth day of November, 1960.

Kilmuir, C.

We, the undersigned, two of the Lords Commissioners of Her Majesty's Treasury, do hereby concur in Regulation 6 of the above Regulations.

P. E. O. Bryan.
R. Chichester-Clark.

EXPLANATORY NOTE

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

These Regulations make amendments to the Legal Aid (General) Regulations, 1960, required by the extension of legal aid to appeals to the House of Lords. They also make a number of minor amendments.