STATUTORY INSTRUMENTS

1970 No. 690 (L.15)

LEGAL AID AND ADVICE, ENGLAND

The Legal Aid (General) (Amendment) Regulations 1970

Made - - -	*4th May* 1970
Laid before Parliament	*12th May* 1970
Coming into Operation	*1st June* 1970

The Lord Chancellor in exercise of the powers conferred on him by sections 1, 2, 3, 4, 5, 6 and 12 of, and the Third Schedule to, the Legal Aid and Advice Act 1949(**a**) as amended by the Legal Aid Act 1960(**b**) hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Legal Aid (General) (Amendment) Regulations 1970 and shall come into operation on 1st June 1970.

(2) The Interpretation Act 1889(**c**) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) In these Regulations a Regulation referred to by number means the Regulation so numbered in the Legal Aid (General) Regulations 1962(**d**) as amended (**e**).

2. In the Arrangements of Regulations at the beginning of the Legal Aid (General) Regulations 1962 after "24. Remuneration of Counsel and Solicitors in Magistrates' Courts, etc." there shall be inserted "24(A). The Lands Tribunal."

3. In Regulation 5(11) (which makes provision for applications for legal aid by persons concerned in proceedings only in a representative, fiduciary or official capacity) after the words "for the purpose of determining" there shall be inserted the words "whether legal aid is available or the amount of".

4. The following Regulation shall be inserted after Regulation 24 :—

"The Lands Tribunal

24(A).—(1) In this Regulation the expression "the Tribunal" means the Lands Tribunal as established by section 1(1)(*b*) of the Lands Tribunal Act 1949(**f**) and the expression "the Registrar" means the Registrar of the Tribunal.

(2) Except in so far as otherwise provided by this Regulation these Regulations shall apply to applications for legal aid for proceedings in the Tribunal and to the conduct of all proceedings in it for which a Civil Aid Certificate is granted in like manner as they apply to applications for legal aid for, and the conduct of, proceedings in any Court.

(**a**) 1949 c. 51. (**b**) 1960 c. 28. (**c**) 1889 c. 63.
(**d**) S.I. 1962/148 (1962 I, p. 117). (**e**) The relevant amending instruments are S.I. 1962/1714, 1965/865 (1962 II, p. 2122; 1965 I, p. 2340). (**f**) 1949 c. 42.

(3) Where any power to do any act or exercise any jurisdiction or discretion is conferred by these Regulations on a Court it shall be exercised by the Tribunal and may, unless it is exercisable only during the hearing of the proceedings, be exercised by the Registrar.

(4) The provisions of the Third Schedule to the Act (which relates to the remuneration to be paid to Counsel and Solicitors giving legal aid under Part 1 of the Act) shall apply to proceedings in the Tribunal as they apply to proceedings in a County Court.

(5) Notwithstanding anything in Regulation 19, the following provisions shall have effect in relation to proceedings in the Tribunal to which an assisted person is a party :—

(*a*) Where a final decision is given in writing by the Tribunal, it shall in addition to any direction as to costs, contain a direction that the costs of any assisted person shall be taxed in accordance with the provisions of the Third Schedule to the Act and the costs shall be so taxed by the Registrar.

(*b*) Where the proceedings are brought to an end without a direction having been given under the foregoing sub-paragraph of this Regulation the costs of any assisted person shall be taxed by the Registrar in accordance with the Third Schedule to the Act.

(*c*) In taxing the costs of any assisted person the Registrar shall have power to determine the appropriate scale for the taxation, being a scale of costs prescribed by the Rules of the Supreme Court or by the County Court Rules."

Dated 4th May 1970.

Gardiner, C.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the Legal Aid (General) Regulations, as amended so as to provide that the personal resources of an applicant concerned in proceedings only in a representative, fiduciary or official capacity shall not be taken into account in considering eligibility for legal aid, so as to apply the Regulations to legally aided proceedings in the Lands Tribunal and to make provision for the taxation of costs in those proceedings.

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