STATUTORY INSTRUMENTS

1986 No. 272

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid (General) (Amendment) Regulations 1986

Made - - - - -	13*th February* 1986
Laid before Parliament	19*th February* 1986
Coming into Force	12*th March* 1986

The Lord Chancellor, in exercise of the powers conferred on him by section 20 of the Legal Aid Act 1974(**a**), hereby makes the following Regulations:—

1.— (1) These Regulations may be cited as the Legal Aid (General) (Amendment) Regulations 1986 and shall come into force on 12th March 1986.

(2) In these Regulations, a regulation referred to by number means a regulation so numbered in the Legal Aid (General) Regulations 1980(**b**).

2. In the definition of "secretary" in regulation 3, for "secretary of the appropriate area committee" and "the secretary's" respectively there shall be inserted "Area Director for each Area" and "his".

3. For paragraph (2) of regulation 5, there shall be substituted—

"(2) Paragraph (1) shall not empower a secretary to determine an appeal under regulation 40".

4. After regulation 34, there shall be inserted—

"Reference of applications to area committee

34A. The secretary may, before determining an application for a certificate, seek the guidance of the area committee on that application.".

5. For regulation 58 there shall be substituted—

"Right of appeal against refusal of amendment

58.— (1) Where the secretary refuses an application for the amendment of a certificate, the assisted person may appeal to the appropriate area committee.

(**a**) 1974 c.4.
(**b**) S.I. 1980/1894, to which there are amendments not relevant to these Regulations.

(2) An appeal shall be made by giving notice on a form approved by the Law Society within 14 days of the secretary's decision to refuse the application.

Determination of appeal against refusal of amendment

58A.— (1) The area committee shall, on an appeal under regulation 58, reconsider the application and determine the appeal in such manner as seems to it to be just and, without prejudice to the generality of the foregoing, may—

(a) dismiss the appeal; or

(b) direct the secretary to amend the certificate in such manner as the area committee thinks fit.

(2) Any decision of an area committee with regard to an appeal shall be final, and it shall give notice of its decision, and the reasons for it, to the assisted person and to his solicitor in a form approved by the Law Society.".

6. The regulations specified in column 1 of the Schedule to these Regulations shall be amended in accordance with column 2 of that Schedule.

Hailsham of St. Marylebone, C.

Dated 13th February 1986.

Regulation 6 SCHEDULE

Regulation	Amendment
Regulation 3	The definition of "general committee" shall be omitted.
Regulation 5	In paragraph (1), the words "or a general committee" shall be omitted and for "either" there shall be substituted "the".
Regulation 10	For "general committee" in each place in which it appears there shall be substituted "secretary".
Regulation 13	In paragraph (1), for "general committee", there shall be substituted "secretary".
Regulation 15	In paragraphs (2), (4) and (5), for "general committee" there shall be substituted "secretary".
Regulation 16	For "committee" in the heading to this regulation, for "general committee" in each place in which it appears and for "committee", there shall be substituted "secretary".
Regulation 17	For the first place in which "it" appears there shall be substituted "he" and for "general committee" there shall be substituted "secretary".
Regulation 18	In paragraphs (1) and (2), for "general committee" there shall be substituted "secretary" and, in paragraph (1), for "it" there shall be substituted "he".
Regulation 19	In paragraphs (1), (2) and (3), for "general committee" there shall be substituted "secretary" and, in paragraph (3), for "that committee" and for the last place in which "it" appears there shall be substituted "he".
Regulation 20	In paragraphs (1) and (3), for "general committee" there shall be substituted "secretary" and, in regulation (3), for "it" there shall be substituted "he".
Regulation 21	For "general committee" there shall be substituted "secretary".
Regulation 23	In paragraph (1)*(b)*, the words "the general committee refuses" shall be omitted and after "relates" there shall be inserted "has been refused".
Regulation 24	In paragraph (1), for "general committee" there shall be substituted "secretary".
Regulation 25	In paragraph (1), for "general committee" and "it" there shall be substituted "secretary" and "he"; in paragraph (2), for "general committee" and the first place in which "it" appears there shall be substituted "secretary" and "him" and for the remaining places in which "it" appears there shall be substituted "he".
Regulation 26	Shall be omitted.
Regulation 27	Shall be omitted.
Regulation 28	In paragraphs (1) and (2), for "general committee" there shall be substituted "secretary" and, in paragraph (2), for the second place in which "it" appears there shall be substituted "him".

SCHEDULE—*Cont.* Regulation 6

Regulation	Amendment
Regulation 29	For "general committee" there shall be substituted "secretary".
Regulation 30	For "general committee" there shall be substituted "secretary".
Regulation 31	In paragraph (1), for "general committee" and "committee" there shall be substituted "secretary".
Regulation 32	In paragraphs (1) and (2), for "general committee" there shall be substituted "secretary".
Regulation 33	In paragraphs (1), (2), (3) and (4), for "general committee" and "committee" there shall be substituted "secretary" and, in paragraph (3) for the second place in which it appears and in paragraph (4), for "it" there shall be substituted "he".
Regulation 34	For "general committee" there shall be substituted "secretary"; in paragraph *(b)*(i) for "it" and "its" there shall be substituted "he" and "his" and in paragraph *(b)*(ii) for "it" there shall be substituted "he".
Regulation 35	In paragraph (1), for "general committee" and "it" there shall be substituted "secretary" and "he" and, in subparagraph *(b)* of paragraph (1), for "committee" there shall be substituted "secretary".
Regulation 36	In paragraphs (1) and (2), for "general committee" there shall be substituted "secretary" and, in paragraph (1), the words "in respect of proceedings other than authorised summary proceedings" shall be omitted.
Regulation 40	In paragraph (1)*(b)*, *(c)* and *(d)*, for "general committee" there shall be substituted "secretary" and, in paragraph (1)*(d)*, for "its" there shall be substituted "his".
Regulation 41	In paragraphs (1) and (2), for "general committee" and "committee" there shall be substituted "secretary".
Regulation 42	In paragraph (1), for "general committee" there shall be substituted "secretary".
Regulation 43	For "general committee" there shall be substituted "secretary".
Regulation 44	In paragraphs (1), (2) and (3), for "general committee" there shall be substituted "secretary" and, in paragraph (1)*(a)*, for the second place in which "it" appears there shall be substituted "him".
Regulation 45	For "general committee" there shall be substituted "secretary".
Regulation 46	In paragraphs (1), (2) and (3), for "general committee" and, in paragraph (1), for "committee" there shall be substituted "secretary".
Regulation 51	In paragraph (4), for "general committee" there shall be substituted "secretary".
Regulation 52	For "general committee" and "its" there shall be substituted "secretary" and "his".

Regulation 6 SCHEDULE—*Cont.*

Regulation	Amendment
Regulation 53	For "general committee" there shall be substituted "secretary" and for "it" in paragraph *(b)* there shall be substituted "he".
Regulation 55	In paragraph (1), for "general committee" and "it" there shall be substituted "secretary" and "he".
Regulation 56	For "general committee" there shall be substituted "secretary".
Regulation 57	For "general committee", "it" and "its" there shall be substituted "secretary", "he" and "his".
Regulation 59	For "general committee" in each place in which it appears there shall be substituted "secretary".
Regulation 60	In paragraph (1), for "general committee" there shall be substituted "secretary".
Regulation 62	In paragraph (1), for "general committee" and "committee" there shall be substituted "secretary" and for the second place in which "it" appears there shall be substituted "he".
Regulation 63	For "general committee", "it" and "its" there shall be substituted "secretary", "he" and "his".
Regulation 68	In paragraphs (1) and (2), for "general committee" there shall be substituted "secretary".
Regulation 69	In the heading and in paragraph (1), for "general committee" in each place in which it appears and for "committee" there shall be substituted "secretary".
Regulation 70	In paragraphs (1), (2), (4) and (5), for "general committee" there shall be substituted "secretary" and, in paragraph (5), for "it" there shall be substituted "the secretary".
Regulation 71	For "general committee" and "committee" there shall be substituted "secretary" and for "its" there shall be substituted "his".
Regulation 72	For "general committee" there shall be substituted "secretary".
Regulation 73	For "general committee" there shall be substituted "secretary".
Regulation 74	In paragraph (1), for "general committee" and "its" there shall be substituted "secretary" and "their" and after "give to" and "may enable" there shall be inserted "the secretary or"; in paragraph (2), for "general committee", in each place in which it appears, and "its" there shall be substituted "secretary" and "their".
Regulation 75	In paragraph (1), for "general committee" there shall be substituted "secretary".
Regulation 76	In paragraphs (1), (2), (3), (4), (5) and (6), in each place in which it appears, for "general committee" there shall be substituted "secretary" and, in paragraphs (3) and (4), for "it" there shall be substituted "he".
Regulation 77	In paragraphs (1), (2) and (3), for "general committee" and

SCHEDULE—*Cont.* Regulation 6

Regulation	Amendment
	"committee" there shall be substituted "secretary" and for "it", in the first place in which it appears in paragraphs (1) and (2) and the second place in which it appears in paragraph (3), there shall be substituted "he".
Regulation 78	For "general committee", "it", in the first and second places in which it appears, and "its", there shall be inserted "secretary", "he" and "his".
Regulation 79	In paragraphs (1) and (2), for "general committee" in each place in which it appears there shall be substituted "secretary" and, in paragraph (1), for "its" there shall be substituted "his" and for "committee" there shall be substituted "secretary".
Regulation 80	For "general committee" and "it" there shall be substituted "secretary" and "he".
Regulation 81	For "general committee" and "it" there shall be substituted "secretary" and "he".
Regulation 82	In paragraphs (1) and (2), for "general committee" there shall be substituted "secretary".
Regulation 83	In paragraphs (1) and (5), for "general committee" there shall be substituted "secretary" and for "it", in each place in which it appears in those paragraphs, and "its", in paragraph (5), there shall be substituted "he" and "his".
Regulation 84	In paragraph (2), for "general committee" there shall be substituted "secretary".
Regulation 142	In paragraphs (4) and (5), for "general committee" and "it", in the second place in which it appears in each paragraph, there shall be substituted "secretary" and "he" and, in paragraph (5), for "committee" there shall be substituted "secretary".
Regulation 144	In paragraphs (4) and (5), for "general committee" and "it", in the second place in which it appears in each paragraph, there shall be substituted "secretary" and "he" and, in paragraph (5), for "committee" there shall be substituted "secretary".

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Legal Aid (General) Regulations 1980, providing that the powers to determine applications for legal aid and to issue, amend, revoke and discharge certificates presently exercised by the general committees of the Law Society should be exercised instead by the secretary of each legal aid area. An appeal to the area committee against the refusal of a secretary to amend a certificate is introduced and references to the general committee throughout the Regulations are replaced by references to the secretary.

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