1973. No. 498 **[C]**

LEGAL AID

Proceedings under the Fair Trading Act 1973

REGULATIONS, DATED 12TH DECEMBER 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 14 OF THE LEGAL AID AND ADVICE ACT (NORTHERN IRELAND) 1965.

The Ministry of Home Affairs, on behalf of the Secretary of State, in exercise of the powers conferred by section 14 of, and Schedule 3 to the Legal Aid and Advice Act (Northern Ireland) 1965(a) and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Legal Aid (General) (Amendment) Regulations (Northern Ireland) 1973 and shall come into operation on 1st February 1974.

Amendment of Principal Regulations

2. After Regulation 21A of the Legal Aid (General) Regulations (Northern Ireland) 1965(b) there shall be inserted the following Regulation:—

"The Restrictive Practices Court

21B.—(1) In this Regulation the expression "the Restrictive Practices Court" means the Restrictive Practices Court established by section 2 of the Restrictive Trade Practices Act 1956(c) and the expression "the proper officer of the court" has the same meaning as in the Restrictive Practices Court Rules 1957(d).

(2) Except in so far as otherwise provided by this Regulation, these Regulations shall apply to applications for legal aid for proceedings in the Restrictive Practices Court under Part III of the Fair Trading Act 1973(e) and for any proceedings in that court in consequence of an order made or undertaking given to the court under that Part of that Act, and to the conduct of all such proceedings for which a certificate is granted, in like manner as they apply to applications for legal aid for, and the conduct of, proceedings in any court.

(3) Where any power to do any act or exercise any jurisdiction or discretion is conferred by these Regulations on a court it shall, in relation to proceedings in the Restrictive Practices Court, be exercised by that court and may, unless it is exercisable only during the hearing of the proceedings by a judge or by the court, be exercisable by the proper officer of the court.

(a) 1965. c. 8 (N.I.).
(b) S.R. & O. (N.I.) 1965, No. 217 as amended by S.R. & O. (N.I.) 1970, No. 201.
(c) 4 & 5 Eliz. 2. c. 68.
(d) S.I. 1957, No. 603 (Part II, p. 1955).
(e) 1973. c. 41.

(4)(*a*) Where it appears to a certifying committee that an application for a certificate relates to proceedings which are likely to be conducted in England and Wales or in Scotland, the secretary shall transmit the application forthwith to the Secretary of the Law Society or of the Legal Aid Central Committee of the Law Society of Scotland, as the case may be, and shall notify the applicant and his solicitor that he has done so.

(*b*) Where it appears to the certifying committee doubtful whether the proceedings to which an application for a certificate relates will be conducted in the Restrictive Practices Court when sitting in Northern Ireland or England or Wales or Scotland, the secretary shall request the proper officer of the court to determine that question, and that determination shall be binding upon the committee.

(5) Where a certificate has been issued and there is a change of circumstances regarding the conduct of the proceedings in that, by order of the Restrictive Practices Court, they will be wholly or partly conducted in England and Wales or Scotland—

(*a*) the certificate shall remain in force;

(*b*) the assisted person shall continue to be represented in the proceedings in England and Wales or Scotland by the solicitor who represented him in Northern Ireland and that solicitor shall instruct as his agent a solicitor on the panel maintained by the Law Society or, as the case may be of the Law Society of Scotland of solicitors willing to act for assisted persons before the Restrictive Practices Court.

(6)(*a*) The provisions of the Schedule 3 to the Act shall apply to proceedings in the Restrictive Practices Court as they apply to proceedings in the House of Lords, or the Supreme Court, and the sums allowed in connection with those proceedings shall be, to a solicitor, the full amount allowed on taxation of the costs on account of disbursements and 90% of the amount so allowed on account of profit costs and, to counsel, 90% of the amount so allowed.

(*b*) The costs of an assisted person may, where appropriate be assessed by the Legal Aid Committee under Regulation 21 or, subject thereto, taxed in accordance with the Schedule 3 to the Act and the provisions of Order LXV of the Rules of the Supreme Court (Northern Ireland) 1936(f) shall apply with the necessary modifications to the taxation of those costs as if the proceedings in the Restrictive Practices Court were a cause or matter in the Supreme Court."

Sealed with the Official Seal of the Ministry of Home Affairs this 12th day of December 1973.

(L.S.)

F. Brian Hall,
Assistant Secretary.

(f) S.R. & O. 1936, No. 70 (II p. 2559).

EXPLANATORY NOTE

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

These Regulations amend the Legal Aid (General) Regulations (Northern Ireland) 1965 so as to apply them to applications for and the grant of legal aid for proceedings brought before the Restrictive Practices Court under Part III of the Fair Trading Act 1973, to make provision for applications in Northern Ireland where those proceedings are likely to be conducted in England or Wales or Scotland or where those proceedings are transferred to England or Wales or Scotland after a certificate is issued, for the taxation of costs in those proceedings and for the remuneration of solicitors and counsel.