STATUTORY INSTRUMENTS

1999 No. 1375

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid in Criminal and Care Proceedings (Costs) (Amendment) (No. 2) Regulations 1999

Made - - - -	*13th May 1999*
Laid before Parliament	*14th May 1999*
Coming into force	*7th June 1999*

The Lord Chancellor, in exercise of the powers conferred on him by sections 25(2), 34 and 43 of the Legal Aid Act 1988**(a)**, having had regard to the matters specified in section 34(9), and having consulted the General Council of the Bar and the Law Society, and with the consent of the Treasury, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (Costs) (Amendment) (No. 2) Regulations 1999 and shall come into force on 7th June 1999.

Interpretation

2. In these Regulations, any reference to a regulation or Schedule by number alone is a reference to the regulation or Schedule so numbered in the Legal Aid in Criminal and Care Proceedings (Costs) (Regulations) 1989**(b)**.

Amendments to the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989

3.—(1) In regulation 3(1), "(3), (4) and (5)" shall be substituted for "(3) and (4)".

(2) The following paragraph shall be inserted after regulation 3(4):

"(5) For costs claimed in respect of advice or assistance as to an appeal from the Court of Appeal to the House of Lords, where a petition of appeal is not lodged with the House of Lords, the appropriate authority shall be the Registrar.".

4.—(1) In regulation 6(3), the words from "; provided that" to the end of that paragraph shall be deleted.

(2) In regulation 9(5), paragraph (a) shall be deleted.

5. In Schedule 3:

(a) At the end of paragraph 11(1) there shall be inserted:

"but where a fee is also payable under sub-paragraph (1A), an amount equal to that fee shall be deducted from the fee payable under this sub-paragraph.";

(a) 1988 c. 34; sections 25(2), 34 and 43 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60 and 63. Section 43 is cited because of the meaning given to "regulations".

(b) S.I. 1989/343. The relevant amending instruments are: S.I. 1990/488, 1991/529, 2037, 1992/592, 1993/934, 1994/1477, 1995/952, 1996/644, 2655, 1997/1010 and 1998/1191, 2908.

(b) The following paragraph shall be inserted after paragraph 11(1):

"11(1A) The basic fee payable to any person for entering a paper plea and directions shall be that set out in the Table following paragraph 21.";

(c) The following shall be inserted at the beginning of the Table following paragraph 21:

"Paper plea and directions–basic fee 11(1A) £30 £30 £30".

Signed by the authority of the Lord Chancellor

G. W. Hoon
Minister of State, Lord Chancellor's Department

Dated 10th May 1999

We consent

Clive Betts
Jane Kennedy
Two of the Lords Commissioners of Her Majesty's Treasury

Dated 13th May 1999

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989 so as to:

(a) provide that the registrar of the Court of Appeal shall be the appropriate authority to determine costs in respect of advice and assistance on an appeal from the Court of Appeal to the House of Lords, in cases where a petition of appeal is not lodged with the House of Lords;
(b) remove the provision whereby certain work, carried out after 30th June 1999, may be remunerated at discretionary instead of prescribed rates;
(c) provide for the payment of a basic fee of £30 for a paper plea and directions, which is deductible from the fee for any subsequent pleas and directions hearing.

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£1.50

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WO 4806 5/99 ON (MFK)