STATUTORY INSTRUMENTS

2000 No. 1877

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid in Criminal and Care Proceedings (Costs) (Amendment) (No. 2) Regulations 2000

Made - - - - -	*17th July 2000*
Laid before Parliament	*18th July 2000*
Coming into force - -	*1st September 2000*

The Lord Chancellor, in exercise of the powers conferred on him by sections 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 2000 and shall come into force on 1st September 2000.

Transitional provisions

2. These Regulations shall apply to work done under a legal aid order made on or after 1st September 2000, and costs payable in respect of work done under a legal aid order made before that date shall be determined as if these Regulations had not come into force.

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

3. After paragraph (7) of regulation 9 of the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989(**b**) there shall be inserted the following:—

"(8) Where

(a) a legal aid order provides for representation by a sole advocate other than a Queen's Counsel and a Queen's Counsel agrees to appear as the sole advocate, or

(**a**) 1988 c. 34; sections 34 and 43 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60, 62 and 63. Section 43 is cited because of the meaning given to "regulations".

(**b**) S.I. 1989/343, as amended by S.I. 1990/488, 1991/529, 1992/592, 1994/1477, 1995/952, 1996/644 and 2655, 1998/1191 and 1999/1375.

(b) a legal aid order provides for representation by two advocates other than Queen's Counsel and a Queen's Counsel agrees to appear as a leading junior

that Queen's Counsel shall be treated for all the purposes of these Regulations as having been instructed under that order; and his remuneration shall be determined as if he were not a Queen's Counsel.".

Signed by authority of the Lord Chancellor

David Lock
Parliamentary Secretary
Lord Chancellor's Department

Dated 12th July 2000

We consent

Jim Dowd
Bob Ainsworth
Two of the Lords Commissioners
of Her Majesty's Treasury

Dated 17th July 2000

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 that a Q.C. can agree to be instructed under a legal aid order providing for junior counsel and be remunerated at the rates applicable to junior counsel.

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