This Statutory Instrument has been made in consequence of a defect in S.I. 2001/1180, and is being issued free of charge to all known recipients of that Statutory Instrument

S T A T U T O R Y I N S T R U M E N T S

2001 No. 3425

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid in Criminal and Care Proceedings (Costs) (Amendment No. 2) Regulations 2001

Made - - - - -	*16th October 2001*
Laid before Parliament	*17th October 2001*
Coming into force - -	*15th November 2001*

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 2001 and shall come into force on 15th November 2001.

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

2.—(1) Part III of Schedule 1 to the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989(**b**) shall be amended as follows.

(2) For paragraph 6(a) there shall be substituted—

"(a) travelling and waiting time of fee-earners and unassigned counsel, which shall be payable at the rate provided in paragraph 1(1)(a) (or paragraph 1A or 1AA as the case may require) of Schedule 1 Part I; and".

(**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. Sections 25 and 43 were repealed by Part I of Schedule 15 to the Access to Justice Act 1999 (c. 22), which was brought into force in relation to those provisions on 2nd April 2001 by article 3 of the Access to Justice Act 1999 (Commencement No. 7, Transitional Provisions, Transitional Provisions and Savings) Order 2001 (S.I. 2001/916), but subject to the savings in Schedule 2 to that Order. Section 34 is repealed (together with other provisions) by Part I of Schedule 15 to the Access to Justice Act 1999, which was brought into force in relation to those provisions on 1st April 2000 by article 2(c) of and the Schedule to the Access to Justice Act 1999 (Commencement No. 3, Transitional Provisions, Transitional Provisions and Savings) Order 2000 (S.I. 2000/774), but subject to the savings in article 5 of that Order. Section 43 is an interpretation provision, and is cited because of the meaning given to "regulations".

(**b**) S.I. 1989/343, as amended by S.I. 1996/2655 and S.I. 2001/1180.

(3) For paragraph 7(3) there shall be substituted—

"(3) The rates specified in paragraph 1(1)(a) (or paragraph 1A or 1AA as the case may require) of Schedule 1 Part I shall apply to the costs claimed, subject to the provisions of paragraph 2 of that Part of that Schedule.".

Signed by authority of the Lord Chancellor

Rosie Winterton
Parliamentary Secretary
Lord Chancellor's Department

Date 24th August 2001

We consent

Nick Ainger
Tony McNulty
Two of the Lords Commissioners
of Her Majesty's Treasury

Date 16th October 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989 to correct two defective references inserted by the Legal Aid in Criminal and Care Proceedings (Costs) (Amendment) Regulations 2001, which increased rates of remuneration for solicitors who hold general criminal contracts under the Access to Justice Act 1999.

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