STATUTORY INSTRUMENTS

1999 No. 2124

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid in Criminal and Care Proceedings (Costs) (Amendment) (No. 3) Regulations 1999

Made - - - -	*20th July 1999*
Laid before Parliament	*27th July 1999*
Coming into force	*15th October 1999*

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, commencement and interpretation

1.—(1) These Regulations may be cited as the Legal Aid in Criminal and Care Proceedings (Costs) (Amendment) (No. 3) Regulations 1999 and shall come into force on 15th October 1999.

(2) In these Regulations, "the Regulations" means the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989**(b)** and a regulation referred to by number alone means the regulation so numbered in the Regulations.

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

2.—(1) In the Regulations:

(a) for "taxing master", wherever it occurs, there shall be substituted "costs judge"; and

(b) for "Chief Taxing Master", wherever it occurs, there shall be substituted "Senior Costs Judge".

(2) In regulation 2:

(a) after the definition of "costs" there shall be inserted:

" "costs judge" means a taxing master of the Supreme Court;";

(b) the definition of "taxing master" shall be deleted.

(3) In regulation 16(7), for "instituted by originating summons in the Queen's Bench Division" there shall be substituted "brought in the Queen's Bench Division, follow the procedure set out in Part 8 of the Civil Procedure Rules 1998**(c)**,".

3. In regulation 5, there shall be inserted after paragraph (4):

"(4A) Where the solicitor claims that regulation 44(7) of the General Regulations should be applied in relation to an item of work and the defendant was acquitted and granted a defendant's costs order under section 16 of the Prosecution of Offences Act 1985**(d)**, the

(a) 1988 c. 34; sections 34 and 43 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60 and 63. Section 43 is an interpretation provision and is cited because of the meaning assigned to the word "regulations".
(b) S.I. 1989/343; the relevant amending instruments are S.I. 1993/934 and 1994/2218.
(c) 1998/3132; there are no relevant amendments.
(d) 1985 c. 23.

solicitor shall certify that no claim for costs incurred before the legal aid order was made has been or will be made from central funds in relation to that item of work.”.

Signed by authority of the Lord Chancellor

Keith Vaz
Parliamentary Secretary,
Lord Chancellor’s Department

Dated 14th July 1999

We consent,

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

Dated 20th July 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 provide that where a solicitor claims that regulation 44(7) of the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989 should be applied in relation to an item of work and the defendant was acquitted and granted a defendant's costs order under section 16 of the Prosecution of Offences Act 1985, the solicitor must certify that no claim for costs incurred before the legal aid order was made has been or will be made from central funds. They also make a number of minor amendments to the Legal Aid in Criminal and Care Proceedings (Costs) Regulations 1989 resulting from changes made by the introduction of the Civil Procedure Rules 1998.

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