STATUTORY INSTRUMENTS

# 2000 No. 2226

# LEGAL AID AND ADVICE, ENGLAND AND WALES

## The Legal Aid in Criminal and Care Proceedings (General) (Amendment) (No. 3) Regulations 2000

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| *Made - - - - -* | *10th August 2000* |
| *Laid before Parliament* | *17th August 2000* |
| *Coming into force - -* | *2nd October 2000* |

The Lord Chancellor, in exercise of the powers conferred on him by sections 21, 23, 34 and 43 of the Legal Aid Act 1988(**a**), 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 (General) (Amendment) (No. 3) Regulations 2000 and shall come into force on 2nd October 2000.

**Interpretation**

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

**Transitional provisions**

**3.** These Regulations shall apply to applications for legal aid made on or after 2nd October 2000, and applications before that date shall be treated as if these Regulations had not come into force.

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

**4.** In the Arrangement of Regulations, after the entry for regulation 3 there shall be inserted:—

"3A. Cases where assessment of financial resources is not required."

**5.** After regulation 3 there shall be inserted the following new regulation:—

**"Cases where assessment of financial resources is not required**

**3A.** In the circumstances set out in regulation 4(2) and (3) of the Legal Aid Act 1988 (Modification) Regulations 2000(**c**) the following provisions of these Regulations shall not apply:—

(a) regulation 11(3);

(b) regulation 13;

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(**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 given to "regulations".

(**b**) S.I. 1989/344, amended where relevant by S.I. 1996/1258.

(**c**) S.I. 2000/ .

(c) regulation 14(7);
(d) Part III;
(e) Schedules 3 and 4.".

Signed by authority of the Lord Chancellor

*David Lock*
Parliamentary Secretary
Lord Chancellor's Department

Dated 31st July 2000

We consent

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

Dated 10th August 2000

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Legal Aid in Criminal and Care Proceedings (General) Regulations 1989 so as to exclude the system of assessment of financial resources of applicants for criminal legal aid in cases where, in accordance with the Legal Aid Act 1988 (Modification) Regulations 2000, criminal legal aid is available without reference to financial resources.

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