STATUTORY INSTRUMENTS

2000 No. 1930

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid (Prescribed Panels) (Amendment) Regulations 2000

Made - - - - -	*19th July 2000*
Coming into force - -	*2nd October 2000*

The Lord Chancellor, in exercise of the powers conferred on him by sections 32(7) and 43 of the Legal Aid Act 1988(**a**), makes the following Regulations, a draft of which has been laid before and approved by resolution of each House of Parliament:

Citation and commencement

1. These Regulations may be cited as the Legal Aid (Prescribed Panels) (Amendment) Regulations 2000 and shall come into force on 2nd October 2000.

Interpretation

2. In these Regulations, a regulation referred to by number alone means the regulation so numbered in the Legal Aid (Prescribed Panels) Regulations 1999(**b**).

Amendments to the Legal Aid (Prescribed Panels) Regulations 1999

3. In regulation 2, after the definition of "Clinical Negligence Franchise Panel" the following shall be inserted:

""the Commission" means the Legal Services Commission established under section 1 of the Access to Justice Act 1999(**c**).

"Crime Franchise Panel" has the meaning given in regulation 9.

"criminal proceedings" has the meaning given in regulation 10.".

4. After regulation 8 the following shall be inserted:

"Right to select legal representative in criminal proceedings funded by the Commission

9. There shall be a panel of authorised litigators, called the Crime Franchise Panel, which shall comprise those authorised litigators who from time to time are authorised by the terms of a franchising contract with the Commission to provide advice or assistance or representation in relation to some or all of the matters to which regulation 10 applies.

10.—(1) This regulation applies to advice and assistance and representation funded by the Commission in relation to actual or contemplated criminal investigations or proceedings.

(**a**) 1988 c. 34; this Act is repealed by the Access to Justice Act 1999 (c. 22), subject to savings and transitional provisions contained in S.I. 2000/774. Sections 32(7) and 43 were amended, respectively, by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60 and 63, and 63(5)(a). Section 43 is an interpretation provision and is cited because of the meaning given to "regulations".

(**b**) S.I. 1999/166; as amended by S.I. 1999/3378.

(**c**) 1999 c. 22. By virtue of Schedule 14, paragraph 2 to the Access to Justice Act 1999, the functions of the Legal Aid Board were transferred to the Legal Services Commission on 1st April 2000 when section 1 of that Act came into force.

(2) "criminal proceedings" means:

(i) the proceedings mentioned in section 12(2) of the Access to Justice Act 1999;

(ii) applications for judicial review or habeas corpus relating to criminal investigations or proceedings;

(iii) prison disciplinary hearings;

(iv) representations to prison governors and other prison authorities regarding the status, security classification, discipline, transfer and treatment of prisoners;

(v) representations to the Home Office relating to mandatory life sentences and other parole reviews;

(vi) Parole Board proceedings;

(vii) representations to the High Court against a voluntary bill of indictment;

(viii) proceedings under the Criminal Procedure and Investigations Act 1996(**a**) to quash an acquittal;

(ix) proceedings under RSC Order 115 in Schedule 1 to the Civil Procedure Rules 1998(**b**) for confiscation or forfeiture in connection with criminal proceedings;

(x) proceedings in a magistrates' court arising from failure to pay a fine or to obey an order of that court where such failure carries the risk of imprisonment;

(xi) proceedings under sections 1, 2 and 4 of the Crime and Disorder Act 1998(**c**) relating to anti-social behaviour orders or sex offender orders;

(xii) proceedings under section 8(1)(b) of the Crime and Disorder Act 1998 relating to parenting orders made where an anti-social behaviour order or a sex offender order is made in respect of a child;

(xiii) proceedings under section 8(1)(c) of the Crime and Disorder Act 1998 relating to parenting orders made on the conviction of a child; and

(xiv) applications to the Criminal Cases Review Commission.

(3) The right conferred by section 32(1) of the Act, as regards advice or assistance or representation by an authorised litigator in respect of any proceedings to which this regulation applies, shall be exercisable only in relation to authorised litigators who are for the time being members of the Crime Franchise Panel in respect of the proceedings in question.

(4) Paragraph (3) shall not affect the Commission's powers under section 32(3) or (8) of the Act.".

Signed by the authority of the Lord Chancellor

David Lock
Parliamentary Secretary,
Lord Chancellor's Department

19th July 2000

(**a**) 1996 c. 25.
(**b**) S.I. 1998/3132, as amended by S.I. 1999/1008 and 2000/221.
(**c**) 1998 c. 37.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid (Prescribed Panels) Regulations 1999 so as to designate the Crime Franchise Panel as a prescribed panel for the purposes of section 32(7) of the Legal Aid Act 1988. They provide that an assisted person's right to select an authorised litigator for the purposes of advice and assistance and representation in relation to criminal proceedings funded by the Commission is limited to members of the panel.