

SCHEDULES

SCHEDULE 2

Sections 13, 14.

AMENDMENTS

PART I

LEGAL AID ACT 1974 (c.4)

- 1 In section 28, after subsection (11) there shall be inserted the following subsection: —

“(11A) In any case where a person is liable to be committed or fined—

- (a) by a magistrates' court under section 12 of the Contempt of Court Act 1981 ;
- (b) by a county court under sections 30, 127 or 157 of the County Courts Act 1959 ; or
- (c) by any superior court for contempt in the face of that or any other court or tribunal,

the court may order that he shall be given legal aid for the purposes of the proceedings.”.

- 2 In section 30, after subsection (4) there shall be inserted the following subsection: —

“(4A) Where a court makes a legal aid order under section 28(11 A) above, the court may order that the legal aid to be given shall consist of representation by counsel only or, in any court where solicitors have a right of audience, by a solicitor only; and the court may assign for the purpose any counsel or solicitor who is within the precincts of the court at the time when the order is made.”.

PART II

LEGAL AID (SCOTLAND) ACT 1967 (c.43)

- 1 In section 1, in subsection (2), after "provide," there shall be inserted the words " and subject to subsection (7A) below, ".

- 2 In section 1, after subsection (7) there shall be inserted the following subsection: —

“(7A) In any case where a person is liable to be dealt with for contempt of court during the course of or in connection with any proceedings he may be given legal aid and the provisions made by or under this Act in relation to legal aid in summary criminal proceedings shall apply, with any necessary modifications, in such a case, but—

- (a) sections 1(6) and (6A) and 2(5) of this Act shall not so apply; and

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- (b) the court granting legal aid may order in any case that the legal aid to be given shall consist of representation by counsel only or, in a court where solicitors have a right of audience, by a solicitor only; and (notwithstanding anything contained in section 6(1) of this Act) the court may assign for the purpose any counsel or solicitor who is within the precincts of the court at the time when the order is made.”.

PART III

CORONERS ACT 1887, COUNTY COURTS ACT 1959, ATTACHMENT OF EARNINGS ACT 1971 AND MAGISTRATES' COURT ACT 1980

Coroners Act 1887 (c. 71)

- 1 In subsections (1) and (2) of section 19 and in section 23, for the words " five pounds " there shall be substituted " £200 ".

County Courts Act 1959 (c.22)

- 2 In section 30, in paragraph (a) of subsection (1), for the words and figures " one month" and " £50" there shall be substituted respectively " three months " and " £1,000, or both " ; in paragraph (b) for the words " one month " there shall be substituted " three months " ; and at the end of that paragraph there shall be added the words " or to be so committed and to such a fine ".

- 3 In section 127, in paragraph (a) of subsection (1), for the words " twenty pounds " there shall be substituted " £500, or both " ; and at the end of paragraph (b) of that subsection there shall be added the words " or to be so committed and to such a fine ".

- 4 In section 144, after subsection (2) there shall be inserted the following subsection:
—

“(2A) In any case where the judge has power to make an order of committal under subsection (2) for failure to attend, he may in lieu of or in addition to making that order, order the debtor to be arrested and brought before the court either forthwith or at such time as the judge may direct.”.

- 5 In section 157, in paragraph (ii) of subsection (1), for the words " twenty pounds " there shall be substituted " £500 " ; and after that paragraph there shall be added the words " or may both make such an order and impose such a fine ".

Attachment of Earnings Act 1971 (c.32)

- 6 In section 23, after subsection (1) there shall be inserted the following subsection: —

“(1A) In any case where the judge has power to make an order of imprisonment under subsection (1) for failure to attend, he may, in lieu of or in addition to making that order, order the debtor to be arrested and brought before the court either forthwith or at such time as the judge may direct.”.

Status: This is the original version (as it was originally enacted).

Magistrates' Courts Act 1980 (c.43)

- 7 In section 97, in subsection (4), for the words " 7 days" there shall be substituted " one month "and at the end of the subsection there shall be added the words " or impose on him a fine not exceeding £500, or both ".