



# Legal Aid Act 1988

## 1988 CHAPTER 34

### PART VII

#### GENERAL AND SUPPLEMENTARY

#### **31 Act not generally to affect position of legal representatives or other parties**

- (1) Except as expressly provided by this Act or regulations under it—
  - (a) the fact that the services of counsel or a solicitor are given under this Act shall not affect the relationship between or rights of counsel, solicitor and client or any privilege arising out of such relationship; and
  - (b) the rights conferred by this Act on a person receiving advice, assistance or representation under it shall not affect the rights or liabilities of other parties to the proceedings or the principles on which the discretion of any court or tribunal is normally exercised.
- (2) Without prejudice to the generality of subsection (1)(b) above, for the purpose of determining the costs of a legally assisted person in pursuance of an order for costs or an agreement for costs in his favour (other than an order under Part II of the Prosecution of Offences Act 1985) the services of his solicitor and counsel shall be treated as having been provided otherwise than under this Act and his solicitor shall be treated as having paid counsel's fees.
- (3) A person who provides advice, assistance or representation under this Act shall not take any payment in respect of the advice, assistance or representation except such payment as is made by the Board or authorised by, or by regulations under, this Act.
- (4) The revocation under this Act of a grant (or, in the case of Part III, of approval for a grant) of advice, assistance or representation to a legally assisted person shall not affect the right of any legal representative of his, arising otherwise than under a contract, to remuneration for work done before the date of the revocation.