
STATUTORY INSTRUMENTS

1994 No. 230

**LEGAL AID AND ADVICE,
ENGLAND AND WALES**

**The Legal Aid in Family Proceedings
(Remuneration) (Amendment) Regulations 1994**

<i>Made</i>	- - - -	<i>2nd February 1994</i>
<i>Laid before Parliament</i>		<i>3rd February 1994</i>
<i>Coming into force</i>		
<i>for the purposes of regulation 4</i>		<i>in accordance with regulation 1(2)</i>
<i>for all other purposes</i>		<i>25th February 1994</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 31, 34 and 43 of the Legal Aid Act 1988(1), 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 and commencement

1.—(1) These Regulations may be cited as the Legal Aid in Family Proceedings (Remuneration) (Amendment) Regulations 1994 and shall come into force on 25th February 1994 except for the purposes of regulation 4 of these Regulations.

(2) Regulation 4 of these Regulations shall come into force upon the commencement of section 30 of the Human Fertilisation and Embryology Act 1990(2).

Transitional provisions

2.—(1) Subject to paragraph (2) below, these Regulations apply to proceedings in respect of which a legal aid certificate is granted on or after 25th February 1994.

(2) Where a legal aid certificate was granted before 25th February 1994 to an assisted person whose solicitor represents any other assisted person in the same proceedings under a legal aid

(1) 1988 c. 34; sections 31, 34 and 43 were amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraphs 60, 62 and 63. Section 43 is an interpretation provision and is cited because of the meaning assigned to the word “regulations”.
(2) 1990 c. 37.

certificate granted on or after 25th February 1994, the provisions of these Regulations shall not apply as regards the costs payable under the later certificate.

(3) Proceedings in respect of which a legal aid certificate was granted before 25th February 1994 shall be treated as if these Regulations had not been made notwithstanding any amendment issued under Part VII of the Civil Legal Aid (General) Regulations 1989(3) on or after that date.

Interpretation

3. In these Regulations a regulation referred to by number alone means a regulation so numbered in the Legal Aid in Family Proceedings (Remuneration) Regulations 1991(4).

Amendments to the Legal Aid in Family Proceedings (Remuneration) Regulations 1991

4. In regulation 2(1) after paragraph (d) of the definition of “prescribed family proceedings”, there shall be added:—

“(e) proceedings under section 30 of the Human Fertilisation and Embryology Act 1990 in the High Court, a county court or a magistrates' court.”.

5. The following paragraph shall be added after regulation 3(1):—

“(1A) The following paragraphs of this regulation shall apply solely on a determination under regulation 107A of the General Regulations(5).”.

6. In regulation 3(2)(c) for the words “RSC Order 62 or CCR Order 38” there shall be substituted “the Legal Aid in Civil Proceedings (Remuneration) Regulations 1994(6)”.

Dated 28th January 1994

Mackay of Clashfern, C.

We consent,

*Irvine Patrick
Tim Wood*

Two of the Lords Commissioners of Her Majesty’s Treasury

Dated 2nd February 1994

(3) S.I.1989/339, as amended by S.I.1991/524, 2036 and 2784, S.I. 1992/590 and 721, S.I.1993/565 and 1756 and S.I.1994/229.
(4) S.I.1991/2038 as amended by S.I.1991/2112, S.I.1992/596 and S.I. 1993/1117.
(5) Regulation 107A of the General Regulations is introduced by a concurrent amendment in S.I.1994/229.
(6) S.I. 1994/228.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid in Family Proceedings (Remuneration) Regulations 1991 as follows.

(1) Proceedings under section 30 of the Human Fertilisation and Embryology Act 1990 (parental orders in favour of gamete donors) will be remunerated in accordance with the rates prescribed in Schedule 2 to the 1991 Regulations where the client is legally aided.

(2) Costs in family proceedings not falling within regulation 3(2)(a) or (b) of the 1991 Regulations are to be determined in accordance with the Legal Aid in Civil Proceedings (Remuneration) Regulations 1994.

(3) The remuneration provisions contained in the 1991 Regulations will only apply on a legal aid determination under regulation 107A of the Civil Legal Aid (General) Regulations 1989.