
STATUTORY INSTRUMENTS

2000 No. 774

**The Access to Justice Act 1999 (Commencement
No. 3, Transitional Provisions and Savings) Order 2000**

Transitional provisions and savings

4.—(1) In this article, “the 1985 Act” means the Administration of Justice Act 1985(1).

(2) Until section 12 of the Act comes into force, paragraphs 33, 34 and 36 of Schedule 4 to the Act shall be modified so that the provisions of the 1985 Act referred to in paragraphs (3) to (5) respectively read as set out in those paragraphs.

(3) Section 40(1) of the 1985 Act shall read:

“For the purposes of this Part of this Act a legal aid complaint is a complaint relating to the conduct of a barrister or solicitor in connection with the provision for any person of services under the Legal Aid Act 1988 or funded by the Legal Services Commission as part of the Community Legal Service, including in the case of a solicitor, provision for any person of such service in the capacity of agent for that person’s solicitor.”;

(4) Section 41(2) of the 1985 Act shall read:

“Subject to any exclusion or restriction made by those provisions, any disciplinary tribunal which hears a legal aid complaint relating to the conduct of a barrister may, if it thinks fit and whether or not it makes any other order, order that any fees—

- (a) otherwise payable in connection with his services under or in accordance with the Legal Aid Act 1988, or
- (b) otherwise chargeable in connection with his services in respect of advice or assistance made available under Part III of that Act, or
- (c) otherwise payable by the Legal Services Commission in connection with services provided for him as part of the Community Legal Service

shall be reduced or cancelled.”;

(5) Section 43(3) of the 1985 Act shall read:

“On the hearing of a legal aid complaint against a solicitor the Tribunal may, if it thinks fit and whether or not it makes any other order on the hearing, order that any costs—

- (a) otherwise payable under or in accordance with the Legal Aid Act 1988, or
- (b) otherwise chargeable in respect of advice or assistance made available under Part III of that Act

in connection with services provided by the solicitor, or

- (c) otherwise payable by the Legal Services Commission in connection with services provided by the solicitor as part of the Community Legal Service

shall be reduced or cancelled.”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
