

2001 No. 3735

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Civil Legal Aid (General) (Amendment No.2)
Regulations 2001**

Made - - - - - 14th November 2001
Laid before Parliament 22nd November 2001
Coming into force - - 3rd December 2001

The Lord Chancellor, in exercise of the powers conferred on him by sections 16, 34 and 43 of the Legal Aid Act 1988(a), 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, makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Civil Legal Aid (General) (Amendment No. 2) Regulations 2001 and shall come into force on 3rd December 2001.

Interpretation

2. In these Regulations, a reference to a regulation by number alone means the regulation so numbered in the Civil Legal Aid (General) Regulations 1989(b).

Amendments to the Civil Legal Aid (General) Regulations 1989

3. The following shall be substituted for regulation 99(4):

“(4) Where interest is payable by the assisted person pursuant to the provisions of regulation 96 or 97:

- (a) it shall run from the date when the charge is first registered;
- (b) the applicable rate shall be:
 - (i) 8% per annum until 31st March 2002;
 - (ii) thereafter, 1 percentage point above the Bank of England base rate current on 1st April 2002;
- (c) subject to sub-paragraph (d), the applicable rate shall be varied on 1st April of each subsequent year so that it remains at the rate of 1 percentage point above the Bank of England base rate then current; and

(a) 1988 c. 34; see the definition of “regulations” in section 43. This Act is repealed by Part I of Schedule 15 to the Access to Justice Act 1999 (c. 22), subject to immaterial exceptions, and to transitional provisions and savings contained in S.I. 2000/774 and 916.

(b) S.I. 1989/339. The relevant amending instruments are S.I. 1994/822 and 2000/451.

(d) the variation set out in sub-paragraph (c) shall take place only if the application of the new base rate has the effect of varying the base rate previously applicable by 1 percentage point or more.”.

4.—(1) In regulation 113(4), for “47.24(2)” there shall be substituted “52.3(a)”.

(2) In regulation 113(6), for “a notice of appeal” there shall be substituted “an appeal notice”.

(3) In regulation 113(7), for “notice of appeal” there shall be substituted “an appeal notice”.

Signed by the authority of the Lord Chancellor

Patricia Scotland
Parliamentary Secretary,
Lord Chancellor’s Department

Dated 30th October 2001

We consent

Ann McGuire
Tony McNulty

Dated 14th November 2001 Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Civil Legal Aid (General) Regulations 1989 in order to change the method of calculation of interest on the statutory charge created by section 16 of the Legal Aid Act 1988. They apply to transitional cases to which the principal Regulations continue to apply by virtue of the provisions in the Access to Justice Act 1999 (Commencement No. 3, Transitional Provisions and Savings) Order 2000.

They also make amendments consequential on amendments to the Civil Procedure Rules 1998 governing appeals.

(a) Rule 52.3 of the Civil Procedure Rules 1998 was inserted by S.I. 2000/221.

£1.50

© Crown copyright 2001

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.
E1835 11/2001 667711 19585

ISBN 0-11-038886-0



9 780110 388861