



**Isle of Man**

*Ellan Vannin*

**AT 23 of 1986**

**LEGAL AID ACT 1986**





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*Ellan Vannin*

## LEGAL AID ACT 1986

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**Isle of Man***Ellan Vannin*

## LEGAL AID ACT 1986

<i>Received Royal Assent:</i>	<i>13 June 1986</i>
<i>Passed:</i>	<i>17 June 1986</i>
<i>Commenced:</i>	<i>See endnotes</i>

**AN ACT** to re-enact the *Legal Aid (Isle of Man) Act 1973* as amended; to make new provision for legal advice or assistance to persons of small means; to repeal and replace the enactments relating to criminal legal aid; and for connected purposes.

**GENERAL NOTE:** The maximum fines in this Act are as increased by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

### PART I – CIVIL LEGAL AID AND LEGAL ADVICE AND ASSISTANCE

#### *Civil legal aid*

#### **1 Scope of legal aid**

[1973/8/1; 1986/6/1/12]

- (1) Subject to the provisions of this Act, legal aid in connection with proceedings in any court, not being proceedings in which legal aid may be given under Part II, shall be available under this Part to any person.
- (2) Nothing in subsection (1) prevents legal aid being given under this Part to a person in proceedings in which legal aid may be given under Part II, where the status of that person in those proceedings is not such as to entitle him to legal aid under that Part.<sup>1</sup>
- (3) Subject to the provisions of this Act, legal aid is also available under this Part in relation to mediation whenever it is available in connection with proceedings.<sup>2</sup>
- (4) Where legal aid is given for mediation it is not to be available in connection with proceedings in relation to the same matter during the currency of the mediation process.<sup>3</sup>

## 2 Extent of, and eligibility for, legal aid<sup>4</sup>

[1973/8/2]

- (1) Unless and until regulations otherwise provide, the proceedings in connection with which legal aid may be given under this Part are any proceedings of a description mentioned in Part I of Schedule 1, except proceedings mentioned in Part II of that Schedule.
- (2) Subject to the provisions of this section, the proceedings in connection with which legal aid may be given may be varied by regulations, and the regulations may describe the proceedings to be included or excluded by reference to the court, to the issues involved, to the capacity in which the person requiring legal aid is concerned, or otherwise.
- (3) Legal aid shall consist of representation, on the terms provided for by this Part, by an advocate, and shall include all such assistance as is usually given by an advocate in the steps preliminary or incidental to any proceedings or in arriving at or giving effect to a compromise to avoid or bring to an end any proceedings.
- (4) A person must not be given legal aid in connection with any proceedings —
  - (a) if the person fails to show reasonable grounds for taking, defending or being party to the proceedings;
  - (b) if it appears unreasonable that the person should receive it in the particular circumstances; or
  - (c) if the person fails to meet the financial conditions described in section 3(1).<sup>5</sup>
- (5) Save as expressly provided by this Part or by regulations made thereunder —
  - (a) the fact that the services of an advocate are given by way of legal aid shall not affect the relationship between advocate and client or any privilege arising out of such relationship; and
  - (b) the rights conferred by this Part on a person receiving legal aid shall not affect the rights or liabilities of other parties to the proceedings or the principles on which the discretion of any court is normally exercised.

## 3 Financial conditions of legal aid

[1973/8/3]

- (1) Subject to the provisions of this Part, legal aid under this Part shall be available for any person —
  - (a) whose financial resources do not exceed such figure as may be prescribed; or
  - (b) who is (directly or indirectly) in receipt of such social security benefits as may be prescribed.<sup>6</sup>

- (1A) For the purposes of proceedings relating to the lawfulness of a person's detention under the *Mental Health Act 1998*, that person's resources shall be ignored.<sup>7</sup>
- (1B) For the purposes of proceedings under Part 4 or 5 of the *Children and Young Persons Act 2001* there shall be disregarded any resources of, —
- (a) the child or young person who is the subject of the proceedings;
  - (b) any parent or guardian who is a party to the proceedings; and
  - (c) any other natural person who is a party to the proceedings because the court is considering making a residence order or a contact order in favour of the person.<sup>8</sup>
- (2) Where a person receives legal aid in connection with any proceedings —
- (a) the expenses incurred in connection with the proceedings, so far as they would ordinarily be paid in the first instance by or on behalf of the advocate acting for him, shall be so paid except in the case of those paid by the Treasury as provided by this Part;
  - (b) his advocate shall not take any payment in respect of legal aid except such payment as is directed by this Part to be made by the Treasury;
  - (c) regulations under section 4 shall determine the extent, if any, of the person's financial contribution;<sup>9</sup>
  - (d) unless regulations provide otherwise any sums recovered by virtue of an order or agreement for costs made in his favour with respect to the proceedings shall be paid to the Treasury.<sup>10</sup>
- (3) No order as to costs shall be made against an assisted party in respect of proceedings, or part thereof, to which a legal aid certificate under this Part relates.

#### 4 Funding of legal aid

- (1) Regulations shall provide for the funding of legal aid to be met in whole or in part —
- (a) by contributions made by assisted persons; or
  - (b) by some or all of the expenditure being by way of loans to be repaid by assisted persons,
- in accordance with the regulations.
- (2) The regulations may in particular provide —
- (a) for the recovery of unpaid contributions or outstanding loan together with interest at the prescribed rate;
  - (b) that the amount of funding of legal aid (whether or not an amount due by way of contribution or outstanding loan), and any prescribed interest on it, is a first charge for the benefit of the

Treasury on any property recovered or preserved by the assisted person (whether for the benefit of that person or another).

- (3) The regulations may make such further provision about the funding of legal aid as the Committee considers expedient.
- (4) In this section —
  - (a) “assisted person” means a person who has received legal aid;
  - (b) “property” means property of any nature and wherever situated and includes any sums recovered by virtue of an order for costs;
  - (c) a reference to property recovered or preserved in proceedings includes property recovered or preserved as a result of any compromise or settlement of the proceedings.
- (5) References in this section to the funding of legal aid are to the aggregate amount of the sums paid or payable by the Treasury in respect of the proceedings for which legal aid is granted to any advocate or to any unassisted party that are not recovered by way of an order or agreement for costs made in favour of the assisted person.<sup>11</sup>

## **5 Remuneration of persons giving legal aid**

[1973/8/6(7)-(9)]

- (1) Subject to the provisions of this Part, an advocate who has acted for a person receiving legal aid under this Part shall be paid for so acting by the Treasury.
- (2) The sums payable under subsection (1) shall not exceed those prescribed under Schedule 2.<sup>12</sup>
- (3) Nothing in this section shall prejudice section 2(5)(b) and in particular subsection (2) shall not affect the sums recoverable by virtue of an order for costs made in favour of a person who has received legal aid or of an agreement for costs so made which provides for taxation.
- (4) No rule of law that limits the costs recoverable by a party to proceedings to the amount which that party is liable to pay shall affect the entitlement of a person receiving legal aid to costs on the same basis as if the person were not receiving legal aid.<sup>13</sup>

## **6 Award of costs to unassisted party**

[1973/8/7]

- (1) Where a party receives legal aid under this Part in connection with any proceedings between him and a party not receiving legal aid (in this Part referred to as an “unassisted party”), and those proceedings are finally decided in favour of the unassisted party, the court by which the proceedings are so decided may, subject to the provisions of this section, in the exercise of its discretion make an order for the payment to the

unassisted party by the Treasury of the costs incurred by him in those proceedings.

- (2) An order under this section shall not be made by any court in respect of costs incurred by the unassisted party in any proceedings in which, apart from this Part, no order would be made for the payment of his costs.
- (3) In this section “costs” means costs as between party and party.
- (4) For the purposes of this section proceedings shall be treated as finally decided in favour of the unassisted party —
  - (a) if no appeal lies against the decision in his favour;
  - (b) if an appeal lies against the decision with leave, and the time limited for applications for leave expires without leave being granted; or
  - (c) if leave to appeal against the decision is granted or is not required, and no appeal is brought within the time limited for appeal;

and where an appeal against the decision is brought out of time, the court by which the appeal (or any further appeal in those proceedings) is determined may make an order for the repayment by the unassisted party to the Treasury of the whole or any part of any sum previously paid to him in respect of those proceedings under this section.

- (5) Where a court decides any proceedings in favour of the unassisted party and an appeal lies (with or without leave) against that decision, the court may, if it thinks fit, make or refuse to make an order under this Part forthwith, but any order so made shall not take effect —
  - (a) where leave to appeal is required, unless the time limited for application for leave to appeal expires without leave being granted;
  - (b) where leave to appeal is granted or is not required, unless the time for appeal expires without an appeal being brought.
- (6) Where a party begins to receive legal aid in connection with any proceedings after those proceedings have been instituted or ceases to receive legal aid before they are finally decided, or otherwise receives legal aid in connection with part only of any proceedings, the reference in subsection (1) to the costs incurred by the unassisted party in those proceedings shall be construed as a reference to so much of those costs as is attributable to that part.
- (7) Regulations may make provision for —
  - (a) determining the proceedings which are or are not to be separate proceedings for the purposes of this section;
  - (b) regulating the procedure to be followed in connection with orders made under this section; and
  - (c) regulating the taxation, or otherwise, of costs ordered to be paid under this section.

*Legal advice and assistance***7 Persons eligible for advice and assistance**

[P1974/4/1]

Advice and assistance to which this section applies shall, subject to the following provisions of this Part, be available in the Island for any person if —

- (a) his financial resources do not exceed such figure as may be prescribed; or
- (b) he is (directly or indirectly) in receipt of such social security benefits as may be prescribed.<sup>14</sup>

**8 Scope and conditions of advice and assistance**

[P1974/4/2]

(1) Subject to subsection (2) and to any prescribed exceptions or conditions, section 7 applies to any oral or written advice given by an advocate —

- (a) on the application of Manx law to any particular circumstances which have arisen in relation to the person seeking the advice, and
- (b) as to any steps which that person might appropriately take (whether by way of settling any claim, bringing or defending any proceedings, making any agreement, will or other instrument or transaction, obtaining further legal or other advice or assistance, or otherwise) having regard to the application of Manx law to those circumstances,

and applies to any assistance given by an advocate to any person taking any such steps as are mentioned in paragraph (b), whether the assistance is given by taking any such steps on his behalf or by assisting him in taking them on his own behalf.

(2) Section 7 does not apply to any advice or assistance given to a person in connection with any proceedings before a court at a time when there is in force a legal aid certificate under this Part or Part II granted to or in respect of him in connection with or for the purposes of those proceedings.

(3) Except as expressly provided by this Part or by regulations —

- (a) the fact that the services of an advocate are given by way of advice or assistance shall not affect the relationship between or the rights of advocate and client or any privilege arising out of such relationship; and
- (b) the rights conferred by this Part on a person receiving advice or assistance shall not affect the rights and liabilities of other parties to any proceedings or the principles on which the discretion of any court or tribunal is normally exercised.

## 9 Financial limit on prospective cost

[P1974/4/3]

- (1) Where a person seeks or receives any advice or assistance, then if at any time (whether before or after the advice or assistance has begun to be given) it appears to the advocate from whom it is sought or received that the cost of giving it is likely to exceed the prescribed limit, the advocate —
  - (a) shall determine to what extent that advice or assistance can be given without exceeding that limit; and
  - (b) shall not give it so as to exceed that limit except with the approval, given in accordance with regulations, of such person or body as may be prescribed.
- (2) For the purposes of this section the cost of giving any advice or assistance shall be taken to consist of such of the following as are applicable in the circumstances —
  - (a) any expenses which may be incurred by the advocate or his firm in, or in connection with, the giving of the advice or assistance;
  - (b) any charges or fees (not being charges in respect of such expenses as are mentioned in paragraph (a)) which, apart from section 10, would be properly chargeable by the advocate or his firm in respect of the advice or assistance.

## 10 Contributions

[P1974/4/4]

- (1) In respect of advice or assistance given to any person (in this section and section 11 called “the client”) the client shall not, except in accordance with this section, be required to pay any charge or fee.
- (2) Where a client is eligible for advice and assistance under section 7, subsection (1) shall not exempt him from liability to pay, in respect of the advice or assistance, charges or fees up to, but not in the aggregate exceeding, such amount as may be prescribed.<sup>15</sup>

## 11 Payment of charges

[P1974/4/5]

- (1) This section applies to any charges or fees which, apart from section 10, would be properly chargeable in respect of advice or assistance given to a client, in so far as those charges or fees are not payable by the client in accordance with that section.
- (2) In this section “the advocate” means —
  - (a) in relation to any advice or assistance given by an advocate employed by a firm of advocates and so given in the course of that employment, that firm of advocates; and

- (b) in any other case, the advocate by whom any advice or assistance is given.
- (3) Except in so far as regulations otherwise provide, charges or fees to which this section applies shall constitute a first charge for the benefit of the advocate on any costs which (whether by virtue of a judgment or order of a court or an agreement or otherwise) are payable to the client by any other person in respect of the matter in connection with which the advice or assistance is given.
- (4) In so far as the charge created by subsection (3) in respect of any charges or fees to which this section applies is insufficient to meet them, the deficiency shall, subject to subsection (5), be payable by the Treasury.
- (5) For the purpose of determining what charges or fees would be properly chargeable as mentioned in subsection (1), and whether there is a deficiency to be payable by the Treasury in accordance with subsection (4), charges or fees in respect of advice or assistance given to a client shall, in such circumstances as may be prescribed, be taxed or assessed in such manner as may be prescribed.

*Miscellaneous and supplemental*

## **12 Assessment of resources**

[1973/8/5]

- (1) References in this Part to a person's financial resources shall include references to income or capital or both income and capital.
- (2) Regulations may provide for the manner in which a person's financial resources are to be computed and in particular may provide for taking into account fluctuations of such resources.
- (3) The regulations shall include provision for securing that the financial resources of a person seeking or receiving advice or assistance or legal aid shall be treated as not including the subject matter of the dispute.
- (4) Except in so far as the regulations otherwise provide, any financial resources of a person's spouse, civil partner or person living with that person as if husband and wife or civil partner shall be treated for the purposes of this section as that person's resources, and the regulations may also make provision, in relation to infants and other special cases, for taking into account the financial resources of other persons.<sup>16</sup>

## **13 Advocates**

[1973/8/6(1)-(6); 1976/27/2/4]

- (1) A panel of advocates willing to give advice or assistance or to act for persons receiving legal aid under this Part shall be prepared and maintained in accordance with regulations.

- (2) Any practising advocate shall be entitled to have his name on the panel, unless there is good reason for excluding him arising out of his conduct when giving or selected to give advice or assistance, his conduct when acting or selected to act for persons receiving legal aid or his professional conduct generally.
- (3) Any advocate given notice that he is to be excluded from the panel on any of the grounds referred to in subsection (2) may require the matter to be referred to the Council of the Isle of Man Law Society for inquiry in accordance with rules made by that Council and approved by the Advocates Acts Committee.
- (4) No advocate shall be excluded from the panel until the report of an inquiry referred to in subsection (3) has been received or, if no such requirement is made, the time for the making thereof has expired.
- (5) Regulations may prescribe the form of the notice, the manner and the time within which any requirement made under subsection (3) shall be made.
- (6) Where a person is entitled to receive advice or assistance or legal aid under this Part he shall be entitled to select the advocate from the panel himself:  
Provided that —
  - (a) this subsection shall not prejudice the rights of the advocate where he has good reason to refuse or give up a case or entrust it to another; and
  - (b) the advocate selected, if shown on the panel as a member of a firm, shall act in the name of the firm.

## 14 Confidentiality of information

- (1) No information furnished for the purposes of this Act to the Committee or to any person acting on its behalf may be disclosed, —
  - (a) in the case of such information furnished by, or by any person acting for, a person seeking or receiving legal aid or advice and assistance, without the consent of the person seeking or receiving legal aid or advice and assistance; or
  - (b) in the case of such information furnished otherwise than as mentioned in paragraph (a), without the consent of the person who furnished it,

and any person who, in contravention of this subsection, discloses any information obtained by that person when an officer or servant of, or acting on behalf of, the Committee, commits an offence.

This subsection is subject to subsection (2).

Maximum penalty (summary) a fine of level 4.

- (2) Subsection (1) above does not apply to the disclosure of information, —

- (a) for the purpose of, or in connection with, the proper performance or facilitating the proper performance by the Treasury, the Committee, any court or tribunal or by any other person or body of duties or functions under this Act;
  - (b) for the purpose of investigating, prosecuting or determining any complaint against an advocate under Part IV of the *Advocates Act 1976*;
  - (c) for the purpose of investigating or prosecuting any offence or for the report of any proceedings in relation to such an offence;
  - (d) for the purposes of any investigation by the Tynwald Commissioner for Administration under the *Tynwald Commissioner for Administration Act 2011*;
  - (e) for the purpose of complying with an information notice under section 45 of the *Freedom of Information Act 2015*.
- (3) For the purposes of this section, information furnished to any person in his or her capacity as an advocate by or on behalf of a person seeking or receiving legal aid or advice and assistance is not to be regarded as information furnished to a person acting on behalf of the Committee.<sup>17</sup>

## 15 Rights of indemnity

[1973/8/14]

- (1) This section shall have effect for the purpose of adapting in relation to this Part any right (however and whenever created or arising) which a person may have to be indemnified against expenses incurred by him.
- (2) In determining for the purposes of any such right the reasonableness of any expenses, the possibility of avoiding them or part of them by taking advantage of this Part shall be disregarded.
- (3) Where a person having any such right to be indemnified against expenses incurred in connection with any proceedings receives advice or assistance or legal aid under this Part in connection with those proceedings, then (without prejudice to the effect of the indemnity in relation to his contribution, if any, to the Treasury) the right shall inure also for the benefit of the Treasury as if the expenses incurred by the Treasury on behalf of the said person in connection with the proceeding had been incurred by him.
- (4) Where —
  - (a) a person's right to be indemnified against expenses incurred in connection with any proceedings arises by virtue of an agreement and is subject to any express condition conferring on those liable thereunder any right with respect to the bringing or conduct of the proceedings; and

- (b) those liable have been given a reasonable opportunity of exercising the right so conferred and have not availed themselves of that opportunity,
- the right to be indemnified shall be treated for the purposes of subsection (3) as not being subject to that condition.
- (5) Nothing in subsections (3) and (4) shall be taken as depriving any person or body of persons of the protection of any enactment or, save as provided in subsection (4), as conferring any larger right to recover money for the benefit of the Treasury in respect of any expenses than the person receiving legal aid would have had if the expenses had been incurred by him.
- (6) Where under subsection (3) a person's right to be indemnified against expenses incurred in connection with any proceedings inures for the benefit of the Treasury, then for the purposes of section 4 the net liability of the Treasury on his account shall be treated as reduced by the amount of any sums recovered for the benefit of the Treasury by virtue of the said right.

## 16 Regulations

[1973/8/9]

- (1) The Legal Aid Committee (in this Act referred to as "the Committee") may make regulations as appear to it necessary or desirable for giving effect to this Part, including matters relating to its administration, or for preventing abuses thereof.
- (2) Without prejudice to subsection (1) or to any other provision of this Part authorising the making of regulations, regulations may –
- (a) make provision as to the matters which are or are not to be treated as distinct matters for the purpose of advice or assistance, as to the proceedings which are or are not to be treated as distinct proceedings for the purpose of legal aid under this Part, and as to the apportionment of sums recoverable or recovered by virtue of any order for costs made generally with respect to proceedings treated as distinct;
- (b) regulate the procedure of any court in relation to advice or assistance or legal aid under this Part, and in particular make provision –
- (i) as to the taxation of costs in connection with proceedings not actually begun; and
- (ii) as to the cases in which and extent to which a person receiving advice or assistance or legal aid may be required to give security for costs, and the manner in which it may be given;

- (c) make provision for applications for advice or assistance or legal aid under this Part including —
    - (i) by whom such an application may be made;
    - (ii) the appointment of a certifying officer, and other officers to assist the certifying officer, to determine such applications and to exercise such other functions as this Act or any regulations made under this Act may confer;
    - (iii) the terms on which a certificate providing legal aid may be granted; and
    - (iv) the information to be furnished by the person seeking or receiving advice or assistance or legal aid and by the advocate of such person;<sup>18</sup>
  - (d) make provision for the payment of contributions, including the manner of payment, and the person from whom such payment may be required;
  - (e) make provision as to the cases in which a person may be refused advice or assistance or legal aid under this Part by reason of his conduct when seeking or receiving advice or assistance or legal aid (whether in the same or in a different matter);
  - (f) make provision for the making of payments on account of sums (including disbursements incurred or to be incurred) payable under Schedule 2;
  - (g) make provision for the recovery of sums due to the Treasury including —
    - (i) the enforcement for the benefit of the Treasury of any order or agreement for costs made in favour of a person who has received advice or assistance or legal aid under this Part; and
    - (ii) the making of an advocate's right to payment by the Treasury wholly or partly dependent on his performance of any duties imposed on him by regulations made for the purposes of this paragraph;
  - (h) make provision for the recovery from an advocate of any costs paid by the Treasury, where the Treasury has incurred such liability as the result of a serious dereliction of duty on the part of such advocate.
- (3) Regulations may also modify any provisions of this Part so far as it appears to the Committee necessary to meet the special circumstances where —
- (a) a person seeking or receiving advice or assistance or legal aid under this Part —

- (i) is concerned in a representative, fiduciary or official capacity; or
  - (ii) is concerned jointly with or has the same interest as other persons, whether receiving advice or assistance or legal aid or not; or
  - (iii) has available to him rights and facilities making it unnecessary for him to take advantage of this Act or has a reasonable expectation of receiving financial or other help from a body of which he is a member;
- (b) a person seeks advice or assistance or legal aid in a matter of special urgency;
- (c) a person begins to receive advice or assistance or legal aid under this Part after having consulted an advocate in the ordinary way with respect to the same matter, or ceases to receive advice or assistance or legal aid before the matter in question is finally settled;
- (d) there is any relevant change of circumstances while a person is receiving advice or assistance or legal aid under this Part; or
- (e) such modification is required for the purpose of fulfilling an obligation imposed by an international agreement which extends to the Island, or of securing the recognition or enforcement in the Island of a judgment, order or decision given or made outside the British Islands for whose recognition or enforcement in the Island provision is made by such an agreement.
- (4) Without prejudice to any of the foregoing provisions of this section, regulations may modify any of the provisions of this Part in so far as it appears to the Committee necessary or desirable to enable those provisions to be effectively applied in respect of any proceedings before the Judicial Committee of the Privy Council, and such modifications may include matters relating to the selection of, and payment of fees to, counsel.

## 17 Interpretation of Part I

In this Part —

“**advice**” and “**assistance**” mean respectively advice and assistance under this Part;

“**family income supplement**” [Repealed]<sup>19</sup>

“**income support**” [Repealed]<sup>20</sup>

“**legal aid certificate**” means a certificate required in accordance with regulations to be obtained as a condition of entitlement to legal aid;

“**mediation**” means any process in which 2 or more parties attempt to reach a voluntary agreement with respect to a dispute with the assistance of a person who has no power unilaterally to resolve the dispute, and includes conciliation and any similar form of dispute resolution other than litigation and arbitration;<sup>21</sup>

“**proceedings**”, except in section 1, includes mediation;<sup>22</sup>

“**supplementary benefit**” [Repealed]<sup>23</sup>

## PART II – CRIMINAL LEGAL AID

### 18 Legal aid in criminal proceedings

- (1) For the purpose of any proceedings specified in column 1 of Schedule 3, an authority specified in relation thereto in column 2 of that Schedule (“the relevant authority”) may grant a legal aid certificate to a person so specified in column 3 of that Schedule (“the assisted person”), if it appears to the authority –
  - (a) that it is desirable in the interests of justice that he should have free legal aid in the preparation and conduct of his case in the proceedings; and
  - (b) that his means are insufficient to enable him to meet the costs which he may incur in the proceedings.
- (2) Where the assisted person is committed for trial on a charge of murder, subsection (1) shall have effect with the omission of paragraph (a).
- (3) Where the relevant authority grants a legal aid certificate to the assisted person, an advocate shall be assigned to him for the purpose of advising him on, and representing him in, the proceedings.
- (4) A legal aid certificate shall be authority for the advocate assigned to the assisted person to give advice on the question whether there appear to be reasonable grounds of appeal from any conviction, sentence or order in the proceedings in question and, if such grounds appear to exist, assistance in the preparation of notice of appeal or of an application for a case to be stated, as the case may require.
- (5) In Schedule 3 “**sentence**” includes any order made by a court when dealing with an offender, including –
  - (a) an order for costs or a compensation order made on conviction;
  - (b) a hospital order, a guardianship order and an order restricting discharge under Part V of the Mental Health Act 1974<sup>1</sup>; and

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<sup>1</sup> Editorial Note: See now the corresponding provisions of the *Mental Health Act 1998*



- (c) a recommendation for deportation under section 6 of the Immigration Act 1971 (an Act of Parliament), as it has effect in the Island.

## 18A Contributions

Schedule 3A has effect in relation to the payment of contributions by assisted persons towards the costs of legal aid given under this Part.<sup>24</sup>

## 19 Payment of costs

- (1) Subject to the provisions of this section, where a legal aid certificate has been granted to any person under section 18 the costs of the legal aid given to him shall be paid by the Treasury.
- (2) Subject to regulations, the costs of legal aid payable under this section include disbursements reasonably incurred by the advocate assigned to the assisted person for or in connection with the proceedings.
- (3) The rates or scales of costs (other than disbursements) payable under this section, and the conditions under which such costs may be allowed, shall be such as may be prescribed by order of the Treasury, made after consultation with the Deemsters.
- (4) An order under subsection (3) shall not have effect unless it is approved by Tynwald.
- (5) Where an order for costs in the assisted person's favour is made in the proceedings in question, all sums due under that order shall be paid to the Treasury.

## 20 Regulations

[P1974/4/39]

The Committee may make regulations for giving effect to this Part or for preventing abuses; and without prejudice to the generality of this section regulations may —

- (a) make provision as to the manner of making applications for legal aid under this Part and the time in which such applications may be made and disposed of;
- (b) provide for the exercise of the powers of any court under this Part by a person entitled to sit as a member of the court or any officer of the court or other person;
- (c) confer on any person aggrieved by a decision of any such officer or other person a right to have the matter determined by the court or a person entitled to sit as a member of the court;
- (d) require any officer of a prescribed court to report to the court or any person entitled to sit as a member of the court any case in which it

- appears to him that, although no application has been made for the purpose, a legal aid certificate ought to be granted under section 18;
- (e) provide for the person by whom and the manner in which a person's means are to be assessed;<sup>25</sup>
  - (ea) where 2 or more persons are living together in the same household, provide for the means of any one of them to be taken into account in determining the means of any other of them for the purposes of this Part;<sup>26</sup>
  - (eb) where a person is aged under 16, provide (without prejudice to paragraph (ea)) for the means of any person who is a contributor in relation to him under Schedule 3A to be taken into account for those purposes;<sup>27</sup>
  - (f) make provision with respect to the manner in which advocates are assigned to assisted persons;
  - (g) make provision for the making of payments on account of sums payable under section 19 (including disbursements incurred or to be incurred as mentioned in section 19(2));
  - (h) provide for the assessment or taxation of costs payable in accordance with section 19 and for the review of any assessment made or taxation carried out under the regulations;
  - (i) provide for the discharge or revocation of a legal aid certificate in such circumstances as may be prescribed;
  - (j) prescribe forms for use for the purposes of this Part.

## 21 Duty advocate scheme

[P1982/44/1]

- (1) The Committee may with the concurrence of the Treasury make a scheme providing for the provision by advocates of such advice and representation in connection with criminal proceedings before courts of summary jurisdiction as may be specified in the scheme, being advice and representation for persons, or any class of persons —
  - (a) in respect of whom no legal aid certificate is for the time being in force in relation to those proceedings, and
  - (b) to whom advice and assistance in respect of those proceedings is not being given under Part I.
- (1A) The Committee may with the concurrence of the Treasury make a scheme providing for the provision by advocates of advice and assistance under section 7 for persons —
  - (a) such as are mentioned in section 32 of the *Police Powers and Procedures Act 1998*;
  - (b) arrested and held in custody who —

- (i) exercise the right to consult an advocate conferred on them by section 61(1) of that Act; or
  - (ii) are permitted to consult a representative of an advocate; or
  - (c) subject to a grant of bail with conditions under section 50A of that Act.<sup>28 29</sup>
- (1B) A scheme under subsection (1A) may provide that arrangements made under it may be so framed as to preclude advocates from providing such advice and representation if they do not also provide advice and assistance in pursuance of arrangements made by virtue of a scheme under that subsection which relates to the provision of advice and assistance for persons such as are mentioned in section 32 of the *Police Powers and Procedures Act 1998* and for persons arrested and held in custody.<sup>30</sup>
- (2) A scheme under this section shall provide for the remuneration by the Treasury of advocates providing advice and representation or advice and assistance in accordance with the scheme, at such rates and in such manner as may be prescribed by or determined in accordance with the scheme.<sup>31</sup>

## PART III – MISCELLANEOUS AND SUPPLEMENTAL

### 22 Misrepresentation etc

[1973/8/13]

- (1) If any person seeking or receiving advice or assistance or legal aid under this Act –
- (a) wilfully fails to comply with any regulations as to the information to be furnished by him; or
  - (b) in furnishing any information required by the regulations knowingly makes any false statement or false representation,
- he shall be liable on summary conviction to imprisonment for a term not exceeding 3 months, or to a fine not exceeding £2,500, or to both.
- (2) Proceedings for an offence under subsection (1) may be brought within a period of 6 months from the date on which evidence sufficient in the opinion of the prosecutor to warrant such proceedings came to his knowledge; but no such proceedings shall be brought more than 2 years after the commission of the offence.
- (3) For the purposes of subsection (2) a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.
- (4) An action to recover any loss sustained by the Treasury by reason of the failure of a person seeking or receiving advice or assistance or legal aid

under this Act to comply with any regulations as to the information to be furnished by him, or by reason of a false statement or false representation made by such person in furnishing information for the purposes of this Act shall be recoverable as a debt due to the Treasury.

## 23 Legal Aid Committee

- (1) There shall continue to be established a Legal Aid Committee consisting of neither less than 5 nor more than 7 members appointed by the Appointments Commission.
- (2) Not more than 3 lawyers may be appointed as members.
- (3) The members shall be appointed for a term not exceeding 3 years and no member may serve for more than 2 consecutive terms.
- (4) The Appointments Commission must appoint one of the members to act as chairman and one to act as vice chairman.
- (5) At any sitting of the Committee —
  - (a) the chairman or vice chairman shall preside;
  - (b) at least 2 other members shall be present; and
  - (c) a majority of the members present shall not be lawyers.
- (6) The functions of the Committee are —
  - (a) to determine the general policy with respect to legal aid;
  - (b) to oversee the administration of legal aid and to adjudicate on any complaints (other than matters within the jurisdiction of the tribunal established under section 23A) about any officer appointed under regulations made under section 16(2)(c)(ii) as to the exercise of any of the officer's functions;
  - (c) to make regulations and schemes under this Act.
- (7) In this section “lawyer” means a person qualified to practise law in any part of the British Islands.<sup>32</sup>

## 23A Legal Aid Appeals Tribunal

- (1) The Legal Aid Appeals Tribunal is established.
- (2) The tribunal is a Part 2 tribunal within the meaning of the *Tribunals Act 2006*.
- (3) The tribunal consists of a chairman and 2 members drawn from a panel referred to in section 2(1)(b) of that Act.
- (4) Section 4 of that Act is to determine the constitution of the tribunal save no person may hold office for more than 2 consecutive terms.
- (5) The tribunal has such jurisdiction as may be prescribed.<sup>33</sup>

**24 Regulations: general**<sup>34</sup>

- (1) Regulations under this Act may contain such supplemental, incidental, consequential or transitional arrangements as the Committee considers appropriate.
- (2) Regulations under this Act shall not have effect unless they are approved by Tynwald.<sup>35</sup>

**25 [Repealed]**<sup>36</sup>**26 Financial provision**

[1973/8/11]

- (1) All expenses incurred by the Treasury under this Act shall be defrayed out of money provided by Tynwald.
- (2) All sums paid to the Treasury under this Act shall be paid into the general revenue of the Island.
- (3) Sums due to the Treasury by virtue of this Act shall for the purpose of the *Preferential Payments Act 1908* be deemed to be a debt due to the Crown.

**27 General interpretation**

In this Act —

“**Appointments Commission**” means the body established under section 1 of the *Tribunals Act 2006*;<sup>37</sup>

“**the Committee**” means the Legal Aid Committee;

“**order for costs**” includes any judgement, order, decree, award or direction for the payment of the costs of one party to any proceedings by another party, whether given or made in those proceedings or not;

“**person**” does not include a body of persons corporate or unincorporate so as to authorise legal aid to be given to such a body;

“**prescribed**” means prescribed by regulations;

“**regulations**” means regulations made by the Committee.

**28 Application to the Crown**

This Act binds the Crown.

**29 Transitional provisions**

- (1) Until the Council of Ministers makes rules under section 8 of the *Tribunals Act 2006* regulating the practice and procedure of a Part 2 tribunal, regulations may make such provision.<sup>38</sup>

- (2) When such rules as are mentioned in subsection (1) come into operation, regulations made in consequence of that subsection are to be treated as revoked.<sup>39</sup>
- (2A) If an appeal has been or could be made (but has not been concluded) under regulations in operation prior to the commencement of section 23A, on and after such commencement the appeal —
- (a) must be treated as having been made or capable of being made (as the case may be) in accordance with rules or regulations made under subsection (1), whichever are in operation; and
  - (b) if commenced, shall recommence before the tribunal.<sup>40</sup>
- (3) Any sum which was immediately before the commencement of Part I due to or from the general revenue of the Island by virtue of any provision of the Legal Aid (Isle of Man) Act 1973 shall be treated for the purposes of this Act as due to or from the Treasury.
- (4) Nothing in Part II, or in subsection (1) or (2), applies to any proceedings in which, before the commencement of that Part —
- (a) an advocate has been assigned to an appellant under section 18 of the Criminal Code Amendment Act 1921;
  - (b) a defence certificate or legal aid certificate has been granted to any person under section 3 or 4 of the Poor Prisoners' Defence Act 1933; or
  - (c) an appeal aid certificate has been granted to any person under section 3 of the *Summary Jurisdiction Act 1956*.

### 30 Short title and commencement

- (1) This Act may be cited as the Legal Aid Act 1986.
- (2) This Act shall come into operation on such day or days as the Governor in Council may by order appoint.<sup>41</sup>

**SCHEDULE 1****PROCEEDINGS FOR WHICH CIVIL LEGAL AID MAY BE GIVEN**

## Section 2

**PART I – DESCRIPTION OF PROCEEDINGS**

1. Proceedings in any of the following courts —
  - (a) the Judicial Committee of the Privy Council in the exercise of its jurisdiction in relation to appeals from courts in the Island;
  - (b) the High Court.
2. Domestic proceedings (within the meaning of Part V of the *Summary Jurisdiction Act 1989*) in a court of summary jurisdiction.<sup>42</sup>
3. Proceedings in a court of summary jurisdiction under Part 4 or 5 of the *Children and Young Persons Act 2001*.<sup>43</sup>
4. Proceedings in an inquest held under the *Coroners of Inquests Act 1987*, which shall be proceedings in a court for the purposes of this Act.<sup>44</sup>
5. Proceedings before the Mental Health Review Tribunal, which shall be proceedings in a court for the purposes of this Act.
- 5A. Proceedings before the Advocates Disciplinary Tribunal, which shall be proceedings in a court for the purposes of this Act.<sup>45</sup>
- 5B. Proceedings before the Isle of Man Data Protection Tribunal, which shall be proceedings in a court for the purposes of this Act.<sup>46</sup>
- 5C. Proceedings before the Financial Services Tribunal on an appeal under section 32 of the *Financial Services Act 2008*, which shall be proceedings in a court for the purposes of this Act.<sup>47</sup>
- 5D. [Repealed]<sup>48</sup>
- 5E. [Repealed]<sup>49</sup>

**PART II – EXCEPTED PROCEEDINGS**

6. Proceedings wholly or partly in respect of defamation.

7. Relator actions.
8. Proceedings for the recovery of a penalty where the proceedings may be taken by any person and the whole or part of the penalty is payable to the persons taking the proceedings.
9. Election petitions under Part 8 of the *Elections (Keys and Local Authorities) Act 2020*.<sup>50</sup>
10. Proceedings incidental to any proceedings mentioned in this Part.

## SCHEDULE 2

### REMUNERATION OF PERSONS GIVING CIVIL LEGAL AID

#### Section 5(2)

1. (1) The rates or scales of costs (other than disbursements) payable in respect of legal aid under Part I, and the conditions under which such costs may be allowed shall be such as may be prescribed by order of the Treasury, made after consultation with the Deemsters.
  - (2) Without prejudice to that power, an order under paragraph 1 may —
    - (a) prescribe such rates or scales by reference to the rates and scales having effect from time to time under section 19(3);
    - (b) provide that the sums payable to an advocate acting in proceedings specified in the order shall, in such circumstances as may be prescribed, be such fixed amount specified in the order as may be applicable thereunder.<sup>51</sup>
2. An order under paragraph 1 shall not have effect unless it is approved by Tynwald.<sup>52</sup>
3. Costs shall be taxed for the purposes of this Schedule according to the ordinary rules applicable on a taxation as between attorney and client where the costs are to be paid out of a common fund in which the client and others are interested.

Provided that no question shall be raised as to the propriety of any act for which prior approval was obtained as required by regulations.
4. Regulations may provide that for the purposes of this Schedule instead of costs being taxed in the ordinary way —
  - (a) they shall be taxed by the prescribed person (whether an officer of a court or not); or
  - (b) the amount of the costs shall be fixed (whether by an officer of a court or not) by an assessment made without a taxation but with a

view to allowing as nearly as may be the same amount as on a taxation.

### SCHEDULE 3

#### CRIMINAL LEGAL AID

##### Section 18(1)

<i>Proceedings in which legal aid under Part II may be granted</i>	<i>Authority by whom legal aid may be granted</i>	<i>Person to whom legal aid may be granted</i>
1. Summary trial or committal proceedings before a court of summary jurisdiction.	The court of summary jurisdiction.	A person charged with any offence before the court.
1A. Proceedings in a court of summary jurisdiction under section 28 of the Criminal Justice Act 2001.	The court of summary jurisdiction.	The person against whom the order may be or has been made. <sup>53</sup>
1B. Appeal to the Staff of Government Division against a decision of a court of summary jurisdiction under section 28 of the Criminal Justice Act 2001.	The Staff of Government Division.	The appellant. <sup>54</sup>
2. Application to a judge of the High Court for bail under section 2 or 3(3) of the Bail Act 1952.	The judge to whom the application is made.	The applicant.
3. Trial on information before a Court of General Gaol Delivery.	The court of summary jurisdiction by whom the person committed is so committed. The judge before whom the person is to be tried.	A person committed for trial.
4. Proceedings before a Court of General Gaol Delivery on committal by a court of summary jurisdiction under section 17 of the Summary Jurisdiction Act 1989.	The court of summary jurisdiction by whom the offender is so committed. The judge by whom the offender is dealt with.	The offender so committed. <sup>55</sup>
5. Proceedings before a Court of General Gaol Delivery on committal by a court of summary jurisdiction under section 55(1) of the Mental Health Act 1974, where the Court does not make a hospital order.	Any court of summary jurisdiction. The judge by whom the offender is dealt with.	The offender so committed.
6. Appeal to the Staff of Government Division against conviction or sentence or both by a court of summary jurisdiction, including an appeal by way of case stated and an application for an order to state a case.	Any court of summary jurisdiction. The Staff of Government Division.	The appellant. Any other party to the appeal.

<i>Proceedings in which legal aid under Part II may be granted</i>	<i>Authority by whom legal aid may be granted</i>	<i>Person to whom legal aid may be granted</i>
7. Appeal to the Staff of Government Division against a hospital order or guardianship order made by a court of summary jurisdiction otherwise than on conviction, under section 48(2) of the Mental Health Act 1974.	Any court of summary jurisdiction.	The appellant.
8. Appeal to the Staff of Government Division against a hospital order or guardianship order made by a juvenile court under section 49 of the Mental Health Act 1974.	Any court of summary jurisdiction.	The appellant.
9. Appeal to the Staff of Government Division against conviction or sentence or both by a Court of General Gaol Delivery.	The Staff of Government Division.	The appellant.
10. Appeal to the Civil Division under section 49(5), 80(2) or 110(1) of the Children and Young Persons Act 1966.	Any court of summary jurisdiction, or on refusal by such a court the Civil Division.	The appellant. <sup>56</sup>
11. Application to the Civil Division for an order that the sentence of a court of summary jurisdiction be quashed on the ground that the court has imposed a sentence which it had no power to pass in such a case.	The Civil Division.	The applicant. <sup>57</sup>
12. Retrial before a Court of General Gaol Delivery pursuant to an order under section 33 of the Criminal Jurisdiction Act 1993.	The Staff of Government Division. The judge before whom the appellant is to be retried.	The appellant. <sup>58</sup>
13. Proceedings for an offence against discipline under custody rules under the Custody Act 1995, where the charge is referred to an independent adjudicator and the adjudicator determines to allow the person charged to be legally represented.	An independent adjudicator.	The person charged. <sup>59</sup>
14. Proceedings before a court of summary jurisdiction in respect of sexual offences prevention orders or the High Court in respect of risk of sexual harm orders under the Sex Offenders Act 2006.	The court of summary jurisdiction.	The person in respect of whom the order may be made. <sup>60</sup>
15. Appeal to the High Court under section 9 of the Sex Offenders Act 2006.	The High Court.	The appellant. <sup>61</sup>

**SCHEDULE 3A****CONTRIBUTIONS TOWARDS CRIMINAL LEGAL AID**Section 18A<sup>62</sup>*Contribution orders*

1. (1) Where a relevant authority grants a legal aid certificate to a person whose means exceed the prescribed limits, the authority shall make an order (a “contribution order”) requiring him to make a payment to the Treasury of an amount (a “contribution”) determined and calculated in such manner as is prescribed in respect of the costs of the legal aid given to him, either in one sum or in instalments as may be prescribed.

(2) Where the assisted person has not attained the age of 16, the relevant authority may, instead of or in addition to making a contribution order against him, make a contribution order against any person who is a contributor in relation to him and whose means exceed the prescribed limits.

(3) Where a relevant authority grants a legal aid certificate to a person who has attained the age of 16 but does not require him to furnish a statement of his means in accordance with regulations because he appears, by reason of his physical or mental condition, to be for the time being incapable of doing so —

- (a) no contribution order need be made when the certificate is granted; but
- (b) if it subsequently appears to a relevant authority that he has become capable of furnishing such a statement, that authority may require him to do so.

(4) Where a person fails to furnish a statement of his means in accordance with a requirement under regulations, he shall be treated, for the purposes of any contribution order in connection with the legal aid certificate in relation to which the requirement was imposed, as if —

- (a) his means exceeded the prescribed limits, and
- (b) the amount of the contribution to be made by him were such as the relevant authority may determine.

(5) Subject to paragraph (6), where the costs of the legal aid in respect of which a contribution is made are less than the amount of the contribution, the Treasury shall repay the difference between the contribution and the costs —

- (a) where the contribution was made by one person only, to him;
- (b) where the contribution was made by 2 or more persons, to them in proportion to the amounts contributed by them.

(6) Where an order for costs is made in favour of an assisted person and sums due under the order for costs are paid to the Treasury —

- (a) if the costs of the legal aid do not exceed the sums so paid, sub-paragraph (5) does not apply and the contribution shall be repaid;
- (b) if the costs of the legal aid exceed the sums so paid, sub-paragraph (5) applies as if the costs were equal to the excess.

(7) Regulations may provide that no contribution order shall be made in connection with a legal aid certificate in respect of proceedings by way of appeal against a conviction or order of any court, where a contribution order was made in connection with a legal aid certificate in respect of the proceedings in which the conviction or order was made.

(8) Regulations made for the purpose of this paragraph shall secure that a person's means are treated as not exceeding the prescribed limits at any time when he is in receipt of such social security benefits as may be prescribed.<sup>63</sup>

*Variation etc. of contribution order*

2. (1) A contribution order made against a person may be varied —

- (a) in the light of any further information as to his means at the time when the order is made;
- (b) in the light of any change in his means within the prescribed period.

(2) Where no contribution order has been made against an assisted person at the time when a legal aid certificate is granted to him —

- (a) because his means did not exceed (or were believed not to exceed) the prescribed limits, or
- (b) because of paragraph 1(3)(a),

a contribution order may be made against him at any subsequent time if it appears that his means at any time within the prescribed period exceed or exceeded the prescribed limits.

(3) Where a contribution order has been made against a person and it subsequently appears that his means at the time the order was made were such that no order should have been made, the order shall be revoked; but if it is revoked sub-paragraph (2) applies as if it had never been made.

(4) The powers conferred by sub-paragraphs (1), (2) and (3) are exercisable by any authority which is a relevant authority in relation to the proceedings in question.

(5) At the conclusion of proceedings in any court for the purposes of which a legal aid certificate has been granted, the court may, if it thinks fit —

- (a) remit any sum due from the assisted person under a contribution order which falls to be paid after the conclusion of the proceedings or, if the assisted person has been acquitted, remit or order the

repayment of any sum due from or paid by him under such an order;

- (b) remit or order the repayment of any sum due from or paid by a contributor under a contribution order.

(6) Where a legal aid certificate is revoked, sub-paragraph (5) has effect as if the proceedings in question had then been concluded.

(7) Where an assisted person successfully appeals against his conviction, the court allowing his appeal may remit or order the repayment of any sum due from or paid by him or a contributor under a contribution order.

*Enforcement of contribution order*

3. (1) Subject to sub-paragraph (2), any contribution shall be recoverable as if it had been adjudged to be paid by an order of a court of summary jurisdiction, and shall be applicable as a fine imposed by such a court.

(2) Where a contribution order has been made in respect of a member of Her Majesty's armed forces and the Secretary of State notifies the Chief Registrar that any sum payable under the order will be recovered by deductions from the person's pay, the Chief Registrar shall not enforce payment of the order unless and until the Secretary of State subsequently notifies him that the person is no longer a member of those forces and that sum has not been fully recovered.<sup>64</sup>

(3) Any contribution shall not be recoverable, and payment of any such sum shall not be enforced until —

- (a) the conclusion of the proceedings in respect of which the relevant legal aid certificate was granted, or  
(b) if earlier, the revocation of that certificate.

(4) Where a contribution is required to be paid by the assisted person on the making of the contribution order, the relevant authority may direct that the relevant legal aid certificate shall not take effect until the contribution is paid.

(5) Where a contribution is required to be paid by the assisted person at a time after the making of the contribution order and before the conclusion of the proceedings in respect of which the relevant legal aid certificate was granted and is not paid before that time, the court in which the proceedings are being heard may revoke the certificate if it is satisfied, after giving the assisted person an opportunity of making representations —

- (a) that he was able to pay the contribution at that time, and  
(b) that he is able to pay the whole or part of it but has failed or refused to do so.

(6) The revocation of a legal aid certificate under sub-paragraph (5) does not affect the right of the advocate assigned to the assisted person to remuneration for work done before the date of the revocation.

(7) References in this paragraph to a contribution include references to any part of a contribution and any instalment of a contribution.

*Interpretation*

4. In this Schedule —

“**contribution**” means a payment ordered to be made by a contribution order;

“**contribution order**” means an order under paragraph 1 or 2(2);

“**contributor**”, in relation to an assisted person under the age of 16, means his father or mother; and for the purposes of section 5 of the *Family Law Act 1991* this definition shall be treated as an enactment passed after that Act.

**SCHEDULE 4**<sup>65</sup>

**SCHEDULE 5**<sup>66</sup>

## ENDNOTES

### Table of Endnote References

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- <sup>1</sup> Subs (2) amended by Legal Aid (Amendment) Act 1992 s 1.
- <sup>2</sup> Subs (3) added by Legal Aid (Amendment) Act 2012 s 4.
- <sup>3</sup> Subs (4) added by Legal Aid (Amendment) Act 2012 s 4.
- <sup>4</sup> S 2 heading substituted by Legal Aid (Amendment) Act 2012 s 5.
- <sup>5</sup> Subs (4) substituted by Legal Aid (Amendment) Act 2012 s 5.
- <sup>6</sup> Para (b) amended by SD32/00 and by Legal Aid (Amendment) Act 2012 s 6.
- <sup>7</sup> Subs (1A) inserted by SD2015/0168.
- <sup>8</sup> Subs (1B) inserted by Justice Reform Act 2021 s 102.
- <sup>9</sup> Para (c) substituted by Legal Aid (Amendment) Act 2012 s 6.
- <sup>10</sup> Para (d) amended by Legal Aid (Amendment) Act 2012 s 6.
- <sup>11</sup> S 4 substituted by Legal Aid (Amendment) Act 2012 s 7.
- <sup>12</sup> Subs (2) substituted by Advocates Act 1995 Sch 1.
- <sup>13</sup> Subs (4) added by Administration of Justice Act 2008 s 28.
- <sup>14</sup> Para (b) amended by SD32/00 and by Legal Aid (Amendment) Act 2012 s 8.
- <sup>15</sup> Subs (2) amended by SD32/00 and by Legal Aid (Amendment) Act 2012 s 9.
- <sup>16</sup> Subs (4) amended by Civil Partnership Act 2011 Sch 14.
- <sup>17</sup> S 14 substituted by Justice Reform Act 2021 s 102.
- <sup>18</sup> Para (c) substituted by Legal Aid (Amendment) Act 2012 s 11.
- <sup>19</sup> Definition of “family income supplement” repealed by Legal Aid (Amendment) Act 2012 s 12.
- <sup>20</sup> Definition of “income support” repealed by Legal Aid (Amendment) Act 2012 s 12.
- <sup>21</sup> Definition of “mediation” inserted by Legal Aid (Amendment) Act 2012 s 12.
- <sup>22</sup> Definition of “proceedings” inserted by Legal Aid (Amendment) Act 2012 s 12.
- <sup>23</sup> Definition of “supplementary benefit” repealed by SD32/00.
- <sup>24</sup> S 18A inserted by Legal Aid (Amendment) Act 1992 s 1.
- <sup>25</sup> Para (e) substituted by Legal Aid (Amendment) Act 1992 s 2.
- <sup>26</sup> Para (ea) inserted by Legal Aid (Amendment) Act 1992 s 2.
- <sup>27</sup> Para (eb) inserted by Legal Aid (Amendment) Act 1992 s 2.
- <sup>28</sup> Para (c) inserted by Justice Reform Act 2012 s 102.
- <sup>29</sup> Subs (1A) inserted by Police Powers and Procedures Act 1998 s 62.
- <sup>30</sup> Subs (1B) inserted by Police Powers and Procedures Act 1998 s 62.
- <sup>31</sup> Subs (2) amended by Police Powers and Procedures Act 1998 s 62.
- <sup>32</sup> S 23 substituted by Legal Aid (Amendment) Act 2012 s 13.
- <sup>33</sup> S 23A inserted by Legal Aid (Amendment) Act 2012 s.14.
- <sup>34</sup> S 24 heading substituted by Legal Aid (Amendment) Act 2012 s.15.
- <sup>35</sup> S 24 substituted by Legal Aid (Amendment) Act 2012 s 15.
- <sup>36</sup> S 25 repealed by Statutory Boards Act 1987 Sch 4.

<sup>37</sup> Definition of “Appointments Commission” inserted by Legal Aid (Amendment) Act 2012 s 16.

<sup>38</sup> Original subs (1) repealed by Criminal Jurisdiction Act 1993 Sch 4, new subs (1) inserted by Legal Aid (Amendment) Act 2012 s 17.

<sup>39</sup> Original subs (2) repealed by Statute Law Revision Act 1992 Sch 2, new subs (2) inserted by Legal Aid (Amendment) Act 2012 s 17.

<sup>40</sup> Subs (2A) inserted by Legal Aid (Amendment) Act 2012 s 17.

<sup>41</sup> ADO (ss 1 to 17, 22 to 28, s 29(2) so far as it relates to Parts I and III of Sch 5, 29(3), 30, Sch 1, Sch 2, Parts I and III of Sch 5) 1/10/1986 (GC230/86); (ss 18 to 21, s 29(1), s 29(2) so far as it relates to Part II of Sch 5, s 29(4), Sch 3, Sch 4, Part II of Sch 5) 10/11/1986 (GC389/86).

<sup>42</sup> Para 2 amended by Summary Jurisdiction Act 1989 Sch 5.

<sup>43</sup> Para 3 substituted by Children and Young Persons Act 2001 Sch 12.

<sup>44</sup> Para 4 amended by Coroners of Inquests Act 1987 Sch 1.

<sup>45</sup> Para 5A inserted by Advocates Act 1995 Sch 1.

<sup>46</sup> Para 5B inserted by Data Protection Act 2002 Sch 12.

<sup>47</sup> Para 5C inserted by Financial Services Act 2008 Sch 6.

<sup>48</sup> Para 5D repealed by Insurance (Amendment) Act 2017 Sch 2.

<sup>49</sup> Para 5E repealed by Insurance (Amendment) Act 2017 Sch 2.

<sup>50</sup> Para 9 amended by Representation of the People Act 1995 Sch 7 and by Elections (Keys and Local Authorities) Act 2020 Sch 6.

<sup>51</sup> Para 1 substituted by Advocates Act 1995 Sch 1 para 13(1) with saving.\*

<sup>52</sup> Para 2 substituted by Advocates Act 1995 Sch 1 para 13(1) with saving.\*

<sup>53</sup> Entry 1A inserted by Criminal Justice, Police and Courts Act 2007 s 4.

<sup>54</sup> Entry 1B inserted by Criminal Justice, Police and Courts Act 2007 s 4.

<sup>55</sup> Entry 4 amended by Criminal Jurisdiction Act 1993 Sch 3.

<sup>56</sup> Entry 10 amended by SD352/09.

<sup>57</sup> Entry 11 amended by SD352/09.

<sup>58</sup> Entry 12 amended by Criminal Jurisdiction Act 1993 Sch 3.

<sup>59</sup> Entry 13 substituted by Custody Act 1995 Sch 4 and amended by Custody (Amendment) Act 2016 s 8.

<sup>60</sup> Entry 14 added by Sex Offenders Act 2006 s 14.

<sup>61</sup> Entry 15 added by Sex Offenders Act 2006 s 14.

<sup>62</sup> Sch 3A inserted by Legal Aid (Amendment) Act 1992 Sch.

<sup>63</sup> Subpara (8) amended by SD32/00 (as amended by SD266/00) and amended by Legal Aid (Amendment) Act 2012 s 18.

<sup>64</sup> Subpara (2) amended by Law Reform Act 1997 Sch 5.

<sup>65</sup> Sch 4 repealed by Criminal Jurisdiction Act 1993 Sch 4.

<sup>66</sup> Sch 5 repealed by Statute Law Revision Act 1992 Sch 2.

