Statutory Document No. XX/20XX

*Legal Aid Act 1986*

# DUTY ADVOCATE (POLICE CUSTODY)(AMENDMENT) SCHEME 2014

*Approved by Tynwald:*
*Coming into Operation:*                    *2014*

The Legal Aid Committee makes the following Regulations under section 21(1A) of the Legal Aid Act 1986 with the concurrence of the Treasury.

## 1      Title

These Regulations are the Duty Advocate (Police Custody)(Amendment) Scheme 2014.

## 1.      Commencement

(1)  Subject to paragraph (2), this Scheme comes into operation on 01 April 2014

(2)  Nothing in this Scheme applies in relation to any attendance at a police station by an advocate which occurred before the coming into operation of this Scheme.

## 2.      Amendment of 1998 Scheme

(1)  In clause 13(1) of the Duty Advocate (Police Custody) Scheme 1998[1], for sub-paragraph (b) substitute —

"(b) for the period of his reasonable travelling time and the time during which he attends at a police station to give advice to a suspect, the hourly rate prescribed by the Treasury pursuant to section 19(3) of the Legal Aid Act 1986 (calculated *pro rata* for the time actually spent), together with his reasonable travelling expenses at a rate determined by the Treasury."

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[1] SD 619/98

(2)  In clause 13(3) of that Scheme, for sub-paragraph (b) substitute —

> "(b) for the period of his reasonable travelling time and the time during which he attends at a police station to give advice to a suspect, or is consulted by the Duty Advocate under clause 8(4)(a), the hourly rate prescribed by the Treasury pursuant to section 19(3) of the Legal Aid Act 1986 (calculated *pro rata* for the time actually spent), together with his reasonable travelling expenses at a rate determined by the Treasury."

MADE                    2014

Members of the Legal Aid Committee

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EXPLANATORY NOTE

*(This note is not part of the Scheme.)*

This Scheme amends the Duty Advocate (Police Custody) Scheme 1998 to provide for a duty advocate to be remunerated for the actual time spent attending to advise a suspect, instead of at an hourly rate for each hour or part of an hour.