



THE LEGAL AID ACT 1986

THE LEGAL AID (PANEL OF ADVOCATES) REGULATIONS 1998

*Approved by Tynwald 21st October 1998*

*Coming into operation 1st November 1998*

In exercise of the powers conferred on the Legal Aid Committee by section 16 of the Legal Aid Act 1986(a), and of all other enabling powers, the following Regulations are hereby made:—

**Citation, commencement and interpretation**

1. (1) These Regulations may be cited as the Legal Aid (Panel of Advocates) Regulations 1998 and, subject to section 24 of the Act, shall come into operation on the 1st November 1998.

(2) In these Regulations —

"the Act" means the Legal Aid Act 1986;

"advice and assistance" means advice and assistance under Part I of the Act;

"the certifying officer" has the same meaning as in the Legal Aid (General) Regulations 1997(b);

"legal aid" means legal aid under Part I of the Act;

"the panel" means the panel referred to in regulation 2(1).

**Maintenance of panel**

2. (1) There shall continue to be a panel of advocates who are willing to give legal aid and advice and assistance.

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(a) 1986 c.23 (b) SD 144/97

- (2) An advocate who is a member of the panel shall be entitled —
  - (a) to act for persons who are given legal aid in respect of any proceedings, and
  - (b) to give advice and assistance to any person.

### **Application for entry on panel**

3. (1) An advocate who wishes to be a member of the panel may apply in writing to the Chief Registrar.

(2) An application under paragraph (1) shall contain an undertaking by the applicant to perform the general duties of an advocate under Part I of the Act and any regulations thereunder.

(3) Subject to regulation 7(3), on receipt of an application under paragraph (1) the Chief Registrar shall enter the particulars of the applicant on the list maintained under regulation 4.

### **List of members of panel**

4. (1) The Chief Registrar shall maintain a list of advocates who are for the time being members of the panel.

(2) A copy of the list shall be kept at the General Registry and made available for inspection by any person free of charge.

### **Duties of advocates**

5. (1) An advocate shall at the conclusion of any case in connection with which legal aid is given make a report thereon to the certifying officer.

(2) Where a legal aid certificate has been issued in respect of any proceedings and the advocate named in the certificate —

- (a) refuses or gives up the case, or
- (b) entrusts the case to another advocate,

he shall if required inform the certifying officer of his reasons for so doing.

## Resignation from panel

6. (1) An advocate may resign from the panel by giving notice in writing to the Chief Registrar of his intention to do so.
- (2) An advocate who has given notice under paragraph (1) —
  - (a) shall cease to be a member of the panel when he has disposed of all cases in which he was, at the time of giving the notice, giving legal aid or advice and assistance, and
  - (b) may not give legal aid or advice and assistance in any other case.

## Removal from panel

7. (1) If it appears to the Certifying Officer that, on the grounds of —
  - (a) the conduct of an advocate when giving legal aid or advice and assistance, or otherwise acting in connection with the provision of legal aid or advice and assistance, or
  - (b) his professional conduct generally,

he ought to be removed from the panel, he shall refer the matter to the Legal Aid Committee.

(2) On a reference under paragraph (1) the Legal Aid Committee shall inquire into the matter and, if satisfied that there is good reasons on the said grounds for doing so, shall declare that the advocate is removed from the panel and direct the Chief Registrar to remove his name from the list maintained under regulations 4.

(3) Where an application under regulation 3(1) is made by an advocate who has been removed from the panel under paragraph (2), the Chief Registrar shall refer the application for determination by the Legal Aid Committee,

- (4) The Legal Aid Committee shall not —
  - (a) make a declaration under paragraph (2), or
  - (b) refuse an application referred to in under paragraph (3),

without giving the advocate concerned an opportunity of appearing before it and hearing any representations he may make.

**Revocation and transitional provision**

8. (1) The Legal Aid (Panel of Advocates, etc.) Regulations 1976(c) are revoked.

(2) The advocates who are immediately before the coming into operation of these Regulations on the panel maintained under regulation 2(1) of the said Regulations shall be deemed to be members of the panel and shall be entered on the list maintained under regulation 4(1) without further application.

MADE 15th day of June 1998

*[Handwritten signatures of four members]*

Members of the Legal Aid Committee

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(c) GC 103/76

**EXPLANATORY NOTE**

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

These Regulations provide for the maintenance of the panel of advocates willing to provide civil legal aid and advice and assistance under Part I of the Legal Aid Act 1986.