

Statutory Document No. 2014/0284



Legal Aid Act 1986

DUTY ADVOCATE (POLICE CUSTODY) (AMENDMENT) SCHEME 2014

Approved by Tynwald: 19 November 2014

Coming into Operation: 1 December 2014

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

1 Title

This scheme is the Duty Advocate (Police Custody) (Amendment) Scheme 2014.

2 Commencement

- (1) Subject to paragraph (2), this Scheme comes into operation on 1 December 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.

3 Amendment of 1998 Scheme

- (1) In clause 13(1) of the Duty Advocate (Police Custody) Scheme 1998¹, 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. ▣.
- (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

¹ SD 619/98

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. **22**.

MADE 17th October 2014

Andrew Swithinbank, Chairman

Tony Jones, Member

Tony Warham, Member.

MEMBERS OF THE LEGAL AID COMMITTEE

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.