

PART I

AMENDMENT TO ACTS AND REGULATIONS PUBLICATION ACT
1989

2. Part to be read with Acts and Regulations Publication Act 1989—(1) This Part of this Act shall be read together with and deemed part of the Acts and Regulations Publication Act 1989*.

(2) This Part of this Act shall be deemed to have come into force on the 19th day of December 1989.

3. Printing and publication of instruments other than regulations—Section 14 (3) of the Acts and Regulations Publication Act 1989 is hereby amended by inserting, after the expression “sections 7, 8, 11, 12,”, the expression “13,”.

PART II

AMENDMENTS TO LEGAL SERVICES ACT 1991

4. Part to be read with Legal Services Act 1991—(1) This Part of this Act shall be read together with and deemed part of the Legal Services Act 1991* (hereafter in this Part of this Act referred to as the principal Act).

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(2) This Part of this Act shall be deemed to have come into force on the 1st day of February 1992.

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(2) Except as provided in sections 5 (3) and 6 (3) of this Act, this Part of this Act shall come into force on the day after the date on which this Act receives the Royal assent.

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5. Guideline fees and rates of remuneration—Section 97 of the principal Act is hereby amended by repealing subsection (6), and substituting the following subsection:

*1989, No. 142

*1991, No. 71

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5 “(6) All instructions issued pursuant to this section shall be deemed to be regulations for the purposes of the Regulations (Disallowance) Act 1989, but shall not be regulations for the purposes of the Acts and Regulations Publication Act 1989.”

6. Board may issue instructions on operation of duty solicitor scheme—Section 158 of the principal Act is hereby amended by repealing subsection (5), and substituting the following subsection:

10 “(5) All instructions issued under this section shall be deemed to be regulations for the purposes of the Regulations (Disallowance) Act 1989, but shall not be regulations for the purposes of the Acts and Regulations Publication Act 1989.”

New

15 **5. Instructions deemed to be regulations**—(1) The principal Act is hereby amended by inserting, after section 97, the following section:

20 “97A. All instructions issued under section 96 of this Act shall be deemed to be regulations for the purposes of the Regulations (Disallowance) Act 1989, but shall not be regulations for the purposes of the Acts and Regulations Publication Act 1989.”

(2) Section 97 of the principal Act is hereby consequentially amended by repealing subsection (6).

25 (3) This section shall be deemed to have come into force on the 1st day of February 1992.

30 **5A. Notification, availability, and commencement of instructions**—The principal Act is hereby amended by inserting, after section 97A (as inserted by section 5 (1) of this Act), the following section:

“97B. (1) Where any instructions are issued under section 96 of this Act,—

35 “(a) The Board shall, as soon as practicable after the instructions are issued, arrange for the publication in the *Gazette* of a notice—

New

“(i) Indicating that the instructions have been issued; and

“(ii) Showing a place at which copies of the instructions are available for inspection free of charge and for purchase; and 5

“(b) The Board shall make copies of the instructions available—

“(i) For inspection by members of the public free of charge; and 10

“(ii) For purchase by members of the public at a reasonable price.

“(2) On the revocation of any instructions issued under section 96 of this Act, subsection (1) (b) of this section shall cease to apply in relation to those instructions. 15

“(3) Subject to subsection (4) of this section, every instruction issued under section 96 of this Act shall come into force on the 28th day after the date of its notification in the *Gazette* or on such later day as may be specified in the instruction.

“(4) Where, in the opinion of the Board, it is necessary, for any reason of a financial nature, that any instruction issued pursuant to section 97 of this Act come into force earlier than the 28th day after the date of its notification in the *Gazette*, that instruction may come into force on an earlier date, but in no case earlier than the 14th day after the date of its notification in the *Gazette*.” 20 25

6. Instructions deemed to be regulations—(1) The principal Act is hereby amended by inserting in Part V, after section 158, the following section:

“158A. All instructions issued under section 158 of this Act shall be deemed to be regulations for the purposes of the Regulations (Disallowance) Act 1989, but shall not be regulations for the purposes of the Acts and Regulations Publication Act 1989.” 30

(2) Section 158 of the principal Act is hereby consequentially amended by repealing subsection (5). 35

(3) This section shall be deemed to have come into force on the 1st day of February 1992.

6A. Notification, availability, and commencement of instructions—The principal Act is hereby amended by 40

New

inserting, after **section 158A** (as inserted by **section 6 (1)** of this Act), the following section:

5 “158B. (1) Where any instructions are issued under section 158 of this Act,—

“(a) The Board shall, as soon as practicable after the instructions are issued, arrange for the publication in the *Gazette* of a notice—

10 “(i) Indicating that the instructions have been issued; and

“(ii) Showing a place at which copies of the instructions are available for inspection free of charge and for purchase; and

15 “(b) The Board shall make copies of the instructions available—

“(i) For inspection by members of the public free of charge; and

“(ii) For purchase by members of the public at a reasonable price.

20 “(2) On the revocation of any instructions issued under section 158 of this Act, **subsection (1) (b)** of this section shall cease to apply in relation to those instructions.

25 “(3) Subject to **subsection (4)** of this section, every instruction issued under section 158 of this Act shall come into force on the 28th day after the date of its notification in the *Gazette* or on such later day as may be specified in the instruction.

30 “(4) Where, in the opinion of the Board, it is necessary, for any reason of a financial nature, that any instruction issued pursuant to section 158 (1) (b) of this Act come into force earlier than the 28th day after the date of its notification in the *Gazette*, that instruction may come into force on an earlier date, but in no case earlier than the 14th day after the date of its notification in the *Gazette*.”

PART III

35 AMENDMENTS TO REGULATIONS (DISALLOWANCE) ACT 1989

7. Part to be read with Regulations (Disallowance) Act 1989—(1) This Part of this Act shall be read together with and deemed part of the Regulations (Disallowance) Act 1989*

(hereafter in this Part of this Act referred to as the principal Act).

(2) Except as provided in subsection (3) of this section, this Part of this Act shall come into force on the day after the date on which this Act receives the Royal assent.

(3) ~~(Section 8)~~ Section 8 (2) of this Act shall be deemed to have come into force on the 19th day of December 1989.

8. Regulations to be laid before House of Representatives—(1) The principal Act is hereby amended by repealing section 4, and substituting the following section:

“4. All regulations made after the

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commencement of this Act and printed and published pursuant to the Acts and Regulations Publication Act 1989

31st day of July 1992 shall be laid before the House of Representatives not later than the sixteenth sitting day of the House of Representatives after the day on which they are made.”

(2) The Constitution Act 1986 is hereby amended by repealing so much of the First Schedule as relates to the Regulations Act 1936.

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9. Disallowance of regulations where motion to disallow not disposed of—Section 6 (1) of the principal Act is hereby amended by adding the words “unless, before the expiration of that twenty-first sitting day, Parliament is prorogued or is dissolved or expires”.

New

9. Disallowance of regulations where motion to disallow not disposed of—Section 6 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) If, at the expiration of the twenty-first sitting day after the giving in the House of Representatives of notice of a motion

New

- 5 to disallow any regulations or any provisions of any regulations (being a notice of motion given by a member of Parliament who, at the time of the giving of the notice, is a member of the Committee of the House of Representatives responsible for the review of regulations),—
- “(a) The notice has not been withdrawn and the motion has not been moved; or
- 10 “(b) The motion has been called on and moved and has not been withdrawn or otherwise disposed of,—
- the regulations or provisions specified for disallowance in the motion shall thereupon be deemed to have been disallowed unless, before the expiration of that twenty-first sitting day,—
- 15 “(c) Parliament is dissolved or expires; or
- “(d) Parliament is prorogued and the notice has not been carried over to the next session of the same Parliament.”