

# *The Fight for Survival Fifty Years On:* A Brief Synopsis on Law Centres in the UK

Ayesha Riaz

---

*Ayesha Riaz is a senior lecturer at the University of Greenwich/PhD candidate at Queen Mary University of London and a part-time teacher at LSE.*

---

## Introduction

Law centres are providers of legal aid and have been in existence since the early 1970s. Their main role has been to assist those that reside within their local communities. They specialise predominantly in social welfare or 'poverty' law as their legal representatives possess detailed knowledge about the problems their local residents face.

This article is divided into timeframes and will consider the development of law centres in the UK from 1945 to 2021. Between 1945 and 1970, the Labour Party under Clement Atlee passed the Legal Aid and Advice Act 1949, which enabled legal aid to be funded by the State. The first law centre was created in 1970. Between 1970 and 1986, there was an exponential growth in law centres in the UK; however, the Law Society (of England and Wales) and the State were not supportive of them. Between 1986 and 1997, this article considers the further funding cuts that were made to law centres by the Conservative Party under Margaret Thatcher and John Major. Between 1997 and 2010, the New Labour Party (under Tony Blair) was slightly flexible as they attempted to introduce the Community Legal Partnership Scheme (CLPS), which lacked a clear policy and coordinated funding method, so it failed. Between 2010 and 2021, the Conservative Government decided to further cut funding for law centres, but they have survived through mobilising their efforts in seeking funding from other organisations.

The article submits that it was not just the State but also the Law Society's lack of support for law centres that thwarted their development. This lack of continuity in their development can be traced back to the specific antagonistic relationships between the State, the Law Society on the one hand and the law centres on the other. The Law Society was more concerned about protecting the profession for financial reasons than the public throughout this movement. Secondly, there has never been a clear policy on law centres which has been exacerbated by the lack of a coordinated

method of funding throughout the history of this movement. Having a policy would have aided their development as there would have been a clearer funding mechanism in place from the very beginning, which could have also led to uniformity in their operations. It is remarkable how far law centres have developed in terms of the services they offer to the most marginalised section of society despite the insurmountable challenges they have faced over the years due to a lack of funding, policy, and their antagonistic relationship with the State.

## 1945-1970: Prioritising Poverty Law

The Labour Government, led by Clement Atlee, passed the Legal Aid and Advice Act 1949 to add to the social welfare of the State.<sup>1</sup> As a result of this Act, legal aid was funded by the State.<sup>2</sup> The Law Society administered the legal aid scheme alongside the Lord Chancellor for approximately forty years.<sup>3</sup> The Law Society was created in 1845,<sup>4</sup> and it was entrusted by Parliament and awarded ever-widening powers of administration and control over the solicitors' profession.<sup>5</sup>

Around 1948, solicitors in private practice successfully prevented the legal aid scheme from being extended to salaried law centres as they feared losing clients.<sup>6</sup> Further, the Atlee government considered

1 HC, 15 December 1948, vol 459, col 1261.

2 Peter Christopher Alcock, 'A Study of Legal Aid and Advice in England and Wales' (Masters thesis, Sheffield Hallam University 1976) 25 <<https://shura.shu.ac.uk/19235/1/10694115.pdf>> accessed 1 June 2022.

3 Henry Brooke, *The History of Legal Aid 1945 to 2010* (Bach Commission on Access to Justice 2017) 5; Sarah Moore and Alex Newbury, *Legal Aid in Crisis: Assessing the Impact of Reform* (Bristol University Press 2017) 17.

4 Catherine Shephard, Judith Embley, Peter Goodchild, and Scott Slorach, *Legal Systems & Skills* (OUP 2015) 162.

5 *ibid*

6 Tamara Goriely, 'Law for the Poor: The Relationship Between Advice Agencies and Solicitors in the Development of Poverty Law' (1996) 3(1/2) *International Journal of the Legal Profession* 225.

legal advice centres to be a luxury rather than essentiality.<sup>7</sup> This marked the beginning of the antagonistic relationship between the State and law centres.

In the USA, President Lydon Johnson had implemented a 'War on Poverty' scheme, which led to the creation of neighbourhood law offices and community-based legal advice centres that were run by paid lawyers.<sup>8</sup> Its aim was to ensure that those from impoverished and hard-to-reach communities were provided with social and legal support.<sup>9</sup> In the UK, at that time, poverty was deemed as being a matter needing administrative action, whereas new ideas emerging from the USA suggested that the poor had rights.<sup>10</sup> Faced with this new thinking, both the Law Society and the Lord Chancellor's Legal Aid Advisory Committee were forced to concede that the legal aid scheme was underused and that its limitation to oral advice was unfortunate.<sup>11</sup>

Thus, from the late 1960s, the focus was to address the 'unmet need' for support.<sup>12</sup> A powerfully worded pamphlet entitled 'Justice for All' was published by the Society of Labour Lawyers in 1968.<sup>13</sup> This pamphlet (which received approval from politicians from the left and the right) reformed the legal advisory system.<sup>14</sup> Even the Conservative Party published a leaflet entitled 'Rough Justice', advancing the notion that further planning for legal services was needed through the introduction of grants so that solicitors could work within poorer communities.<sup>15</sup>

Impressed by the USA, the Government in the UK started to change its perception towards the needs of the poor. The North Kensington Neighbourhood Law Centre was the first law centre to be established in 1970—its aim was to serve a deprived part of London.<sup>16</sup> It was funded by charitable trusts (the City Parochial Foundation and the Pilgrim Trust) and local authorities to provide holistic assistance, addressing the socio-legal problems the individuals faced.<sup>17</sup> From the very beginning, the idea behind this movement was to help the most impoverished section of society and to empower local residents by educating them about their rights. The Lord Chancellor's Legal Aid Advisory Committee recommended that the Law Society should possess the right to run law centres, preferring the Law Society's argument that the provision of State-funded legal services should fall under single management.<sup>18</sup>

By 1971-1972, the Law Society argued that public funds should not be scattered amongst differing legal aid enterprises and unless law centres were subject to the same controls as private practices, the cause of justice was in danger of being betrayed.<sup>19</sup> The State/Conservative Government (under Sir Edward Heath) should have availed this perfect opportunity to extend the legal aid scheme fully to

law centres, and devised an appropriate policy on their functionality and funding mechanisms given that the latter possessed expertise in poverty law.

### 1970-1986: Expansion of the Law Centre Movement and Law Society's Lack of Support for Law Centres

Due to the expansion of the law centres movement, the Legal Advice and Assistance Act 1972 was introduced to extend the publicly funded advisory scheme, making legal advice and assistance more readily available.<sup>20</sup> Part II of the Act empowered the Law Society to employ salaried solicitors for the purposes of giving legal advice/assistance under legal aid and to assist advisory agencies in providing legal assistance to clients. However, the Law Society was never provided adequate funds to set up an advisory liaison service, other than to appoint a liaison officer.<sup>21</sup>

As the Conservative Government was providing some financial assistance, by 1973, there were seven law centres that were reliant on legal aid and charitable funds.<sup>22</sup> One of the characteristics of the early law centre movement was its diversity.<sup>23</sup> North Kensington operated an 'open door' policy, which enabled them to tackle a multitude of problems.<sup>24</sup> Others, such as Brent, protected themselves against the deluge of casework by working with other groups.<sup>25</sup> The concept of local justice has always been a central feature of this movement, so law centres established strong links with the community they were serving.

Law Centres grew over time to provide community-level support to the extent that in 1974 there were 15 such centres, and by 1976, this figure increased to 24.<sup>26</sup> Some were set up by local authorities; some were set up via the Urban Aid Programme, which was administered by the Home Office and 75 percent of its funding derived from central funds and the remaining 25 percent from local authority funds.<sup>27</sup>

The Law Society was losing control over the developments, and so it decided to bring the new centres into line.<sup>28</sup> Thus in March 1974, for the first time, it issued guidelines stipulating that law centres should only be able to work on cases that local firms were unable/unwilling to undertake, warning that waivers would be revoked 'at will' if they retained cases that could be referred to private practice.<sup>29</sup> So the leftover cases were granted to law centres as solicitors were very rigorous in ensuring that law centres were prohibited from handling cases that were profitable for the former. The Conservative Government (under Harold Wilson) stated that law centres that were in receipt of public funds should be answerable for using those funds.<sup>30</sup> The Law Society and the Government/State showed

7 *ibid.*

8 Steve Hynes and Jonathan Robins, *The Justice Gap: Whatever Happened to Legal Aid?* (Legal Action Group 2009) 22.

9 Moore and Newbury (n 3) 18.

10 Goriely (n 6) 229.

11 *ibid.*

12 Seton Pollock, *Legal Aid: The first 25 years* (Oyez Publishing 1975) 86.

13 Moore and Newbury (n 3) 18.

14 Pollock (n 12) 91-3.

15 Brooke (n 3) 7.

16 Bryant G Garth, *Neighbourhood Law Firms for the Poor: A comparative study of recent development in legal aid and in the legal profession* (Springer 1980) 58.

17 *ibid.*

18 UK Government, *Report of the Advisory Committee on the better provision of Legal Advice and Assistance, 1970* (2020) Cmnd.4249 7.

19 Goriely (n 6) 232-233.

20 Moore and Newbury (n 3) 19.

21 Michael Zander, *Law Centres – The Early History* (Law Centres Annual Meeting, 6 November 2020) 4.

22 Goriely (n 6) 232.

23 *ibid.*

24 *ibid.*

25 *ibid.*

26 Garth (n 16) 61-3.

27 Zander (n 21) 4.

28 Goriely (n 6) 233.

29 *ibid.*

30 *Legal Aid, 30<sup>th</sup> Annual Reports of the Law Society and of the Lord Chancellor's Advisory Committee* (House of Commons 1981) 103 <<https://parlipapers.proquest.com/parlipapers/result/pqdocumentview?accountid=9851&groupid=107397&pgId=97c6d364-b642-42ab-b4fc-881d2c2943b&rsId=18176E64A4D>> accessed 30 August 2021.

their lack of trust in law centres, and thereby restricted their work by giving priority to private practices, even though law centres possessed expertise in poverty law.

The law centres movement reacted strongly to the above-mentioned proposals, which compelled the Labour Lord Chancellor, Lord Elwyn Jones to intervene. In July 1974, Lord Elwyn Jones announced that he had obtained £50,000 (the budget of law centres with two to three lawyers amounted to £50,000) for law centres which was increased in 1975 to £100,000 and in 1976 to £150,000.<sup>31</sup> In July 1974, Lord Elwyn Jones announced that as an interim measure, the Law Society would work closely with his office in deciding waiver issues.<sup>32</sup> Law centres needed a waiver from the Practice Rules to offer free legal services. So, the Law Society treated the waiver system as a measure to control the work that law centres were permitted to do. Zander states that '[t]he Law Society's attitude altered from time to time, was applied inconsistently and for the first few years was based on an analysis of the problem which has since been conceded to be unacceptable'.<sup>33</sup>

The waiver was granted without any difficulty when North Kensington Law Centre was established. By 1973, however, more stringent conditions were imposed as law centres were obligated to sign contracts stipulating that they would not deal in areas such as conveyancing cases, commercial cases, company law cases, probate and divorce law cases, personal injury cases or certain criminal cases.<sup>34</sup> By February 1974, the Law Society decided that waivers would only be granted if 'a defined and apparent' need was demonstrated that could not be met by the legal profession, yet ironically law centres operated under the law of the Law Society.<sup>35</sup> Law centres were required to submit their records to the Law Society at six-monthly intervals demonstrating the number of referrals that they had made to private practitioners.<sup>36</sup> There was a furious reaction to these proposals by the Law Centres Working Group, so the Law Society withdrew these proposals, and Lord Elwyn-Jones announced that the waiver issue was dealt with unsatisfactorily by the Law Society.<sup>37</sup> Thus, it was decided that as an interim measure, the Law Society would work closely with the Lord Chancellor's office to decide the terms and conditions on which waivers would be granted.<sup>38</sup> In a document drafted by the Law Society and the Lord Chancellor's Department on how the law centres would operate in the future, it was noted that the Law Society could firstly impose conditions depending on the needs of the area; secondly, that the Law Society would share responsibility for deciding whether a law centre was needed and thirdly that the Lord Chancellor would act as a referee/Court of Appeal.<sup>39</sup> This agreement was rejected by the voluntary agencies during a meeting that took place on 6 May because it was noted that the Law Society was not a suitable body to undertake such tasks as it did not possess the requisite knowledge on measuring unmet needs, and also because there was a conflict of interest as the Law Society represented private practitioners.<sup>40</sup>

31 Zander (n 21) 4.

32 HL Hansard, vol 353, 30 July 1974, cols 2294-2295.

33 Michael Zander, *Legal Services for the Community* (Zander 1978) 403.

34 Zander (n 21) 5.

35 *ibid.*

36 *ibid.*

37 *ibid.*

38 *ibid.*

39 *ibid.*

40 *ibid.*

Hillingdon Law Centre was set up in 1976 by the local council and various community organisations.<sup>41</sup> The Law Society opposed the development of this law centre because it believed that local firms could handle the work and that the Law Society favoured the interests of local solicitors.<sup>42</sup> However, Hillingdon Law Centre appealed to Lord Elwyn Jones, and the waiver was eventually granted.<sup>43</sup> Lord Elwyn Jones stated that the question of need rested solely with the funding agency (and not the Law Society), and so the test for granting waivers ensured that the services of law centres did not duplicate those provided by private practitioners.<sup>44</sup> It appears that there were specific antagonistic relationships within the sector (Law Society and the State versus law centres) that had a devastating impact on the development of law centres.

In 1976, 15 law centres were surveyed, and the results of these surveys revealed that although the waivers took a long time to obtain, the staff of the Law Society were 'helpful' and 'friendly', so the relations between the Society and law centres were somewhat harmonised.<sup>45</sup> By 1977, the Law Society and law centres reached an agreement stipulating that if law centres did not compete with solicitors in areas such as crime (where the accused is over the age of 21), commercial matters, matrimonial work, certain personal injury cases, probate/conveyancing, then the Society would grant them waivers.<sup>46</sup> The work of law centres could proceed uninterrupted (in strictly defined areas) without the threat of Law Society's interference. However, the revocation of the waivers would be considered in exceptional circumstances.<sup>47</sup>

By 1978, there were 27 law centres.<sup>48</sup> This may have been because of the establishment of the Law Centres' Federation ('LCF', changed from Law Centre Working Group) in the 1970s and the Law Society's standard waiver.<sup>49</sup> The Labour Government (under James Callaghan) funded law centres and published a set of guidelines for them.<sup>50</sup> At that time, the provision of legal aid was being re-examined,<sup>51</sup> and so this presented a perfect opportunity for the State to formulate a clear policy on the way forward for law centres—another missed opportunity from the State.

Law centres also started to circulate a new internal publication entitled 'Law Centre News' that year, following the formation of the LCF.<sup>52</sup> They further unified in 1978 to form the Law Centres Network (LCN) to support/develop law centres/networks.<sup>53</sup> There was growth in both the number and variety of organisations that provided advice and assistance to the poor.<sup>54</sup> Law centres demonstrated their growing importance by collaboratively

41 *ibid.*

42 *ibid* 5-6.

43 Goriely (n 6) 233.

44 Zander (n 21) 6.

45 Michael Zander and Peter Russell, 'Law Centres Survey' (1976) 73(10) *The Law Society's Gazette* 210.

46 Law Centres Federation (LCF), *LCF Thirty Years On: Annual Report 2007/08* 3 <<https://www.lawcentres.org.uk/policy-and-media/papers-and-publications/annual-reviews> accessed 30 July 2021> accessed 1 September 2021.

47 Zander (n 31) 6-7. As of 2019, law centres no longer need waivers.

48 LCF (n 46) 3.

49 *ibid.*

50 *ibid.*

51 *ibid.*

52 *ibid.*

53 Law Centres Network, *2017/2018 Report: Looking Forward at Forty* (2018) 4 <<https://www.lawcentres.org.uk/policy-and-media/papers-and-publications/annual-reviews>> accessed 1 June 2022.

54 Goriely (n 6) 231.

working together in an effort to sustain themselves despite the insurmountable challenges they faced from the Government/State, the Law Society and the profession.

At the beginning of 1979, there were 32 law centres.<sup>55</sup> When the Conservative Party won the General Elections in 1979 under Margaret Thatcher, it was decided that local authorities should fund law centres in the future.<sup>56</sup> Law centres went from being funded partially through legal aid and charitable donations to receiving local authority funding and funding from charities. As soon as the Conservative Party returned to power in 1979 under Margaret Thatcher, they cut the already limited funding for law centres, thereby shifting responsibility to the local authorities—another display of the antagonistic relationship between the State and law centres.

Those that supported the law centre movement, like Hynes, argued that by having salaried legal aid lawyers, law centres could carry out a wide range of legal aid work, including social welfare law that had been ignored by private solicitors.<sup>57</sup> The others, like Pollock, however, argued that it was imperative for publicly funded lawyers to retain their professional independence and to provide a service that was akin to privately paying clients.<sup>58</sup> Some of the problems associated with solicitors in private practice (utilising State-funded legal aid) were that there were not many solicitors who were willing to undertake poverty-related work because of the low financial return; secondly, those solicitors were not initially allowed to advertise their services, so they were unable to reach those that were in need; and thirdly, many poor people did not regard solicitors as being within their social range and thus dismissed the idea of consulting them.<sup>59</sup> So this presented another perfect opportunity for the Law Society and the State to allow law centres to have exclusive domain over this area—another missed opportunity.

By the end of 1980, there were 39 law centres. Most centres were funded by the Urban Aid Scheme (discussed above) to serve a geographical area, given that they enjoyed formal links with their communities.<sup>60</sup> At first, most of their casework related to housing which changed to welfare and juvenile crime as time progressed.<sup>61</sup> Later, social security and immigration became prominent.<sup>62</sup> Open door law centres such as North Kensington were unable to deal with a high caseload; thus, they attempted to decrease this by focusing on project work.<sup>63</sup> It is a pity that despite their continued success, Margaret Thatcher's Government and the Law Society did not prioritise the work of law centres, so they lacked direction, which led to their haphazard nature of functioning. These changes affected those that were the most marginalised/vulnerable as they predominantly utilised the services of law centres.

There was also a lack of funding yet demand for law centres skyrocketed.<sup>64</sup> Law centres were highly dependent on the political whim of the local authority and were vulnerable to funding threats due to their increased running costs. Thus, the first set of closures

were made in the 1980s when local authorities withdrew support from Hillingdon and Wandsworth law centres.<sup>65</sup> By 1982, the crisis deepened as law centres were no longer a priority under the Urban Aid programme, so they started to increasingly depend on local authorities (which were highly unpredictable) in line with the Conservative Party's plan.<sup>66</sup> In 1986, the Greater London Council and metropolitan councils were abolished by the Conservative Government, which once again placed law centres funding into disarray.<sup>67</sup> Nevertheless, law centres continued to grow as they attracted funding from other organisations due to the lobbying efforts of the LCF.<sup>68</sup>

Clients were reluctant to use the services of other lawyers owing to a high number of complaints they received, not to mention their lack of knowledge about areas impacting poverty-related law.<sup>69</sup> The Government/State, Law Society and the profession should have seized this opportunity to enable law centres to deal exclusively with poverty law or asked them to take the lead, given that there was an appetite for growth here—another missed opportunity. Thus, law centres became more bullish for the first time in the 1980s when they strongly believed that they had a better understanding of social security law than most solicitors in private practice.<sup>70</sup> They started working collaboratively with the profession as stronger and more equal partners for the very first time.<sup>71</sup> So, firms that dealt with poverty law enjoyed a close relationship with law centres.<sup>72</sup> Law centres pioneered the future of legal work, provided training for poverty law and supplied private practice with a new clientele.<sup>73</sup> As law centres expanded definitions of the services solicitors could provide, this presented financial challenges to the State that they may have sought to minimise in the face of increasing legal aid costs. As law centres expanded private practices' client base, opposition to them within the profession waned.<sup>74</sup> For the first time in the late 1980s, the Law Society became an avid supporter of law centres. Despite the lack of a clear policy and a coordinated method of funding, law centres and private practice developed their work so that there was minimalistic overlap.

There was a rapid increase in poverty law issues for private practitioners, so between 1975-6, it accounted for 11 percent, increasing to 13 percent between 1980-1, 17 percent in 1985-6, 23 percent in 1990-1 and an astonishing 30 percent between 1995-6.<sup>75</sup> Legal aid remained an insufficient way of tackling poverty law issues because the service was limited to advice and assistance through the green form scheme.<sup>76</sup> The green form scheme involved a simple procedure that was undertaken by the solicitor (prior to giving advice and assistance) with a simple means test but no merits test. Representation at tribunals was excluded, thereby restricting access to justice to those that needed it most.<sup>77</sup> The number of people who received advice and assistance from solicitors was incredibly low even in the 1980s, in comparison to the numbers utilising advice

55 (n 30) 102-3.

56 Brooke (n 3) 9-10.

57 Steve Hynes, *Austerity Justice* (Legal Action Group 2012) 26-7.

58 Pollock (n 12) 6-7.

59 John R Spencer, 'Legal Aid' in *Jackson's Machinery of Justice* (Cambridge University Press 1989) 466.

60 Goriely (n 6) 232.

61 *ibid.*

62 *ibid.*

63 *ibid.*

64 *ibid.* 234.

65 *ibid.*

66 *ibid.*

67 *ibid.* 234.

68 *ibid.*

69 *ibid.* 235.

70 *ibid.*

71 *ibid.*

72 *ibid.* 236.

73 *ibid.*

74 *ibid.* 237.

75 *ibid.* 236.

76 *ibid.*

77 *ibid.*

centres.<sup>78</sup> So those leftover finances could have been transferred to law centres—another missed opportunity by the State. The private sector dealing with poverty law had to meet high financial billing and chargeable targets, whereas those working for law centres were not set such high targets and could therefore spend more time on their clients' substantive cases. Given that the green form scheme was underused and poverty law-related issues were on the rise, the Conservative Government (under John Major) should have seized this opportunity to prioritise funding for law centres—another missed opportunity.

### 1986-1997: The Conservative Party's Abysmal Record on Access to Justice

Given the Conservative Government's reluctance to fund law centres, it was rumoured that during Thatcher's years (1979-1997), law centres would close, which did not happen.<sup>79</sup> The number of law centres increased in correlation with increased demand and growth of poverty due to the LCF's resilience in bringing more funding for this movement.<sup>80</sup> By the mid-1980s, for the first time, the Legal Aid Advisory Committee acknowledged that law centres/other advice agencies could no longer be considered as being peripheral to the statutory schemes, as they provided legal services that were complementary to the statutory schemes and they thus believed that law centres played a pivotal role in the development of their legal services policy.<sup>81</sup> So gradually, the Conservative Government/State started taking law centres more seriously.

The first official Government report to consider advice centres as part of the legal aid provision was entitled the 'Legal Aid Efficiency Scrutiny Report' and it was published in June 1986—it recommended that a new Legal Services Board (LAB) should administer the legal aid scheme.<sup>82</sup> It took the Conservative Government 16 years since the creation of the first law centre to consider this movement's significance. Contrary to the political consensus of the late 1960s and 1970s, by the 1980s, legal aid was being overused and subjected to minimal governmental scrutiny, and so Thatcher's Conservative Government used this opportunity to reform the legal aid system radically.<sup>83</sup> It passed the Legal Aid Act 1988 to control the money that was being spent on legal aid, although it failed quite miserably to tackle this problem as spending continued to increase up until the 1990s.<sup>84</sup> Simultaneously, the Cabinet Office's Efficiency Scrutiny of Legal Aid transferred the administrative side of legal aid from the Law Society to the LAB in light of the differing roles of the Government and the profession, which marked the beginning of a new era as it loosened the professional's control over the legal aid scheme.<sup>85</sup> As a result of the implementation of this Act, the harmonious relations between the law centres and solicitors were threatened.<sup>86</sup> The Conservative Government also proposed that the green form scheme cases should be abolished.<sup>87</sup> Advice centres and private practitioners combined to protest against this proposal.<sup>88</sup>

78 *ibid.*

79 *ibid* 216.

80 LCF (n 46) 3.

81 Goriely (n 6) 237-8.

82 *ibid* 238.

83 Moore and Newbury (n 3) 21.

84 *ibid* 22.

85 *ibid.*

86 J Baldwin, 'The Role of Citizens Advice Bureau and Law Centres in the Provision of Legal Advice and Assistance' (1989) 8 *Civil Justice Quarterly* 42.

87 Goriely (n 6) 238.

88 *ibid.*

The Law Society rushed to support the existing green form market.<sup>89</sup> As advice agencies were chronically underfunded, the money from the green form scheme was unable to meet the new demands placed on them.<sup>90</sup> Previously, the report could have exploited divisions between law centres and the profession. Now both sectors found common cause against a government perceived as attacking the welfare State.

The Law Society and the profession form a powerful force when they work cohesively. Thus, although the Government legislated for the LAB, it distanced itself from the green form proposals.<sup>91</sup> The 1987 White Paper did not contain any information on advice agencies and the green form scheme, leaving it for LAB to consider.<sup>92</sup> If the Law Society, profession, and law centres had worked together harmoniously from the very beginning, then law centres would not have experienced the innumerable obstacles that they had along the way. Poverty law would be better suited to advice agencies as they were more accessible, possessed greater expertise and were cheaper, as opposed to being reliant on legal aid where resources were placed in terms of need.

As discussed above, given the Conservative Government's lack of choice to fund law centres, one could safely presume that it could not build a national advice service. With additional funds, it could seek to improve the advice provision to meet the escalating demand for advice. Compared to other provisions, advice was relatively cheap, as the National Consumer Council of 1989 calculated that it would cost £188 million.<sup>93</sup>

From the late 1980s, Margaret Thatcher's Conservative Government tried to reduce the legal aid budget by increasing eligibility thresholds.<sup>94</sup> The profession had increased in numbers, and thus heavy burdens were placed on legal aid revenues.<sup>95</sup> The Government was being criticised, and so it considered ways of addressing the problem.<sup>96</sup> The Thatcher Government's strategy had been to force reforms to reduce the legal profession's market control.<sup>97</sup> The Labour Government (in opposition at that time) wanted to encourage the advice sector to compete with lawyers', building upon what had become recognised as superior expertise in many areas of welfare law.<sup>98</sup> After a very long time, it appears that for the first time, the Labour Party realised the significance of law centres in combating poverty-related issues.

By now, law centres offered bespoke advice and were staffed by local lawyers and students.<sup>99</sup> The sector was thriving. During this time, they enjoyed several achievements as they expanded their network, reaching 60 centres by 1990. They also held successful lobbying activities, bringing more funding from the Conservative Government (under John Major), Greater London Council and the Law Society.<sup>100</sup> Needless to say, it was the other funding mechanisms that helped law centres to thrive at this stage.

89 *ibid.*

90 *ibid.*

91 *ibid* 238-9.

92 *ibid* 239.

93 *ibid.*

94 Andrew Boon, *The Ethics and Conduct of Lawyers in England and Wales* (Hart Publishing 2014) 544.

95 *ibid.*

96 *ibid.*

97 *ibid.*

98 *ibid.*

99 *ibid.*

100 LCF (n 46) 3.

Law centres became a cornerstone of the Conservative Government's plan for a Community Legal Service and they were invited to bid for legal aid franchises.<sup>101</sup> In 1994, the LAB tried to systematically control legal aid work by expanding the legal aid budget and encouraging providers of legal aid to 'franchise'—this scheme became compulsory in 1998.<sup>102</sup> The Legal Aid Act 1988 was amended to add these proposals.<sup>103</sup> Those that met certain quality criteria would receive faster payments. Concerns were predominantly heard from private practices as they started to dominate the discussion so much so that the problems of advice agencies hardly featured in the debate. Franchising offered incentives to solicitors who became specialists in poverty law.<sup>104</sup> Ironically, franchising arose from proposals to reduce solicitors' involvement in poverty law so that such work was transferred to law centres. In fact, it entrenched the profession's involvement in such work. The LAB was then aiming for a second franchising scheme which specifically aimed at advice agencies that operated without solicitors. It would have been cost-efficient if a single franchising scheme applied to both advice agencies and law firms—another missed opportunity from the State/Conservative Government.

There were several problems at that time, as even now, there was no standardised meaning of the term 'advice' given that the advice sector covered a wide range of Citizens Advice Bureaux, law, and specialist centres.<sup>105</sup> The green form eligibility limits also constituted a major problem. Although advice centres were underfunded, the green form means test excluded all those in work, debt and employment advice, and so a significant proportion of clients did not qualify for legal aid as they were over the limit.<sup>106</sup> Such cases could have been awarded to law centres—the State had a tendency of availing itself of opportunities to further the work of law centres by failing to devise appropriate policies or examining appropriate funding possibilities. Many firms were facing an economic recession, and the Law Society as ever, defended the professions' interests, so it was unlikely that solicitors would give up existing markets without a struggle.<sup>107</sup>

### 1997-2010: Slight Flexibility from the New Labour Government

Due to the problems associated with increased spending, the LAB enacted stringent rules in relation to income and capital, and by the end of the decade, it was applicable to 'largely a sink service for people on means-tested benefits', which prompted the Government to enact the Access to Justice Bill 1999.<sup>108</sup>

Following the implementation of the Access to Justice Act 1999 for the very first time, some of the new areas of law were no longer in the scope of legal aid, such as conveyancing, personal injury (except in clinical negligence cases), boundary disputes, making of wills, matters relating to trusts law, company and partnerships and many different types of proceedings in the Magistrates Court.<sup>109</sup> It was estimated that the New Labour Government (under Tony Blair)

would save £35 million.<sup>110</sup> The governing body was no longer the LAB, as the Legal Services Commission (LSC) had taken over, and as usual, the Lord Chancellor was responsible for the composition of the board.<sup>111</sup>

Amongst other recommendations, as mentioned above, the New Labour Party's manifesto commitment included a promise to create a new Community Legal Service Partnership (CLSP) Scheme which aimed to provide the public with a comprehensive level of legal support that would be dependent on local demands to facilitate better regional planning of services in the provision of legal aid.<sup>112</sup> This scheme empowered local areas to deliver poverty services through partnering with the legal profession, advice centres, local authorities and the LSC.<sup>113</sup> As part of this scheme, Community Legal Advice Networks (CLANs) were supposed to cover larger geographical areas that served less dense populations than Community Legal Advice Centres (CLACs).<sup>114</sup> CLACs were predominantly placed in urban areas where there were more than 50,000 claimants.<sup>115</sup> It was envisaged that CLANs would undertake outreach work at community centres, GP surgeries or schools so that clients no longer had to travel.<sup>116</sup> It was decided that for the first three years, the LSC would provide funding for these partnerships, and thereafter they would form partnerships with local authorities to form CLACs; however, the former would have to fund the advice.<sup>117</sup> The problem was that their role was never defined, and they had no identifiable minimum standards, yet they were expected to cover specialist advice. The LSC lacked the political force to compel the local government to share its vision of forming a holistic advice and assistance provision. Once again, the same problems persisted; problems were rooted in their reliance on public funding coupled with a lack of a clear thought through plan which led to the downfall of this project that could have been a huge success. Law centres' lack of continuity can be traced back to their antagonistic relationship with the State.

There were also problems with the expenditure on criminal legal aid, and so a review was conducted by Lord Carter in 2006 on both civil and criminal legal aid.<sup>118</sup> Carter's recommendation that solicitors' hourly fees should be replaced by fixed fees was successful and duly implemented in 2007.<sup>119</sup> The hourly rate system allows legal aid providers to claim for the actual work done rather than a predetermined fixed fee which is very low. Some argued that franchising and the introduction of fixed fees made legal aid work financially inviable for small providers/law centres.<sup>120</sup> Law centres objected to the introduction of fixed fees and competitive tendering, which compelled them to operate as firms/agencies, constituting an act of social vandalism. This problem was compounded by the fact that law centres did not receive the same funding as private practices under legal aid, yet the former were placed under the same restrictions as legal aid practices—this shows that the State thwarted the development of law centres.

101 Boon (n 55).

102 Sheona York, 'The End of Legal Aid in Immigration: A Barrier to Access to Justice for Migrants and a Decline in the Rule of Law' (2013) 27(2) *Journal of Immigration, Asylum and Nationality Law* 117.

103 Legal Aid Act 1988, Part II.

104 Goriely (n 6) 240.

105 *ibid* 241.

106 *ibid*.

107 *ibid*.

108 Hynes and Robins (n 8) 22.

109 Brooke (n 3) 16.

110 *ibid* 18.

111 Moore and Newbury (n 3) 24.

112 Brooke (n 3) 14.

113 *ibid* 15.

114 *ibid* 26.

115 *ibid* 27.

116 *ibid*.

117 *ibid*.

118 *ibid* 26.

119 Hynes (n 57) 65-7.

120 Moore and Newbury (n 3) 27-8.

At this stage, due to the efforts of the LCF, law centres undertook a range of work that helped combat social exclusion. They housed 13 disability workers, undertook 544 cases, reached 1875 young people needing assistance and raised £1.2 million to develop the LCN.<sup>121</sup> In line with developing their focus on equality, law centres worked on a disability rights project, provided advice on sexual orientation to raise awareness, secondly on religion and belief, and thirdly on age employment equality legislation, thereby expanding their advice provision.<sup>122</sup> Law centres were successful because of their own and LCF's efforts. If they had received even some support from the State, their campaign to help the most impoverished residents would have had greater reach. By 2006, the Conservative administration of Hammersmith and Fulham had decreased the grant of law centres by 60 percent without any explanation.<sup>123</sup> Such unstable footing has left several law centres constantly hamstrung by the threat of political sea change and funding cuts.

As demonstrated in this article, law centres were highly vulnerable to funding cuts by the State/Government over the years, so they started to prove their financial worth for the first time. A study on law centres from 2007 revealed that for every pound spent on providing a casework service, the Government generated a profit of £10.<sup>124</sup> By this time, law centres were being funded by the LSC, local councils and other organisations through the continuous efforts of the LCF.<sup>125</sup> Projects targeted at young people were highly successful.<sup>126</sup> Law centres clearly generate significant additional value over and above the amount of public money spent, yet the State/New Labour Government failed to capitalise on this.

By 2008, there were 56 law centres.<sup>127</sup> The impact of fixed fees proved to be a challenge in stripping centres of their cash reserves.<sup>128</sup> The important work they did in tackling social exclusion, helping local communities, and giving voice to the powerless was now even more apparent. In 2008, 73 percent of law centre users reported an improvement in their housing matter, 70 percent's peace of mind had improved with similar figures for improvement in ability to deal with problems (68), improvement in financial affairs (45) and education, training and employment (41).<sup>129</sup>

By 2009, there were 52 law centres left in the UK that were conducting individual casework, dealing with public education and developing policy/test cases in addition to the areas discussed above.<sup>130</sup> Once again, a study revealed that there was a significant socio-economic return on the work of law centres.<sup>131</sup> As law centres dealt with homelessness matters, this served as a high-cost saving measure to the State.<sup>132</sup> Despite their victories and financial benefits, the State had not produced a strategy/policy for law centres. This

shows that the State/New Labour Party did not consider the significance of law centres and slashed their budget drastically. This also demonstrates the antagonistic relationship between the State and law centres, and crucially the reluctance of the State to prioritise the rights of the most impoverished/vulnerable people in society.

## 2010-2021: The Austerity Drive by the Conservative Party

In 2010, the Liberal Democrat Party formed a coalition government with the Conservative Party.<sup>133</sup> The then Lord Chancellor, Kenneth Clarke, shared the opinion of his predecessors, as he wanted to reform the legal aid sector, which involved heavy cuts to social welfare services.<sup>134</sup> The Coalition Government's aim was to cut £2 billion per annum from 2014-15 as a part of its austerity drive.<sup>135</sup>

The Legal Aid Sentencing and Punishment of Offenders Act (LASPO) 2012 was passed despite the efforts of the legal profession, advice sector, senior politicians and members of the judiciary.<sup>136</sup> Just like the previous Acts, its aim was to cut costs to combat the unpredictable growth in public spending, restricting it to those that needed it the most. The Coalition Government's aim was to save £350 million from the legal aid budget.<sup>137</sup> A third of the savings would derive from cutting lawyers' fees, with a 10 percent cut to all civil legal aid and an astonishing 17 percent cut in fees for the majority of suppliers of criminal legal aid.<sup>138</sup> The biggest saving totalling £279 million, derived from taking many matters out of the scope of civil legal aid.<sup>139</sup> From 1 April 2013, the matters that went out of the scope included most private family cases (apart from where there was evidence to suggest that there was domestic violence, child abuse, or abduction), welfare benefits, clinical negligence, employment, housing disputes (apart from serious disrepair, homelessness, or anti-social behaviour), debt, immigration, and education (apart from special needs cases).<sup>140</sup> This had the effect of removing advice from a staggering 650,000 people.<sup>141</sup> A limited exception was made in order to prevent violation of the UK's obligations under the ECHR procedural requirements, so the coalition government incorporated the 'exceptional case funding' caveat.<sup>142</sup> Despite their wider social benefits, law centres faced insurmountable challenges from the Coalition Government due to the funding environment as LASPO 2012 hit them hard, whilst simultaneously demand for them continued to increase.<sup>143</sup> By slashing the legal aid budget, one can infer that the Coalition Government did not wish for the most vulnerable to have access to justice or to be made aware of their rights: a further depiction of the antagonistic relationship between the State and law centres.

121 LCF, *Equality Through Justice: Annual Report 2006/07* (2007) 4 <<https://www.lawcentres.org.uk/policy-and-media/papers-and-publications/annual-reviews>> accessed 6 September 2021.

122 *ibid* 6-7.

123 *ibid* 4.

124 LCF (n 46) 2, 17.

125 *ibid*.

126 *ibid* 11.

127 LCN, *Delivering Justice: Transforming Lives* (2009) <<https://www.lawcentres.org.uk/policy-and-media/papers-and-publications/annual-reviews>> accessed 15 September 2021.

128 *ibid*.

129 *ibid* 4.

130 NEF Consulting, *The Socio-Economic Value of Law Centres* (2009) 5 <<https://www.lawcentres.org.uk/policy-and-media/the-case-for-law-centres>> accessed 31 September 2021.

131 *ibid* 21.

132 *ibid*.

133 Moore and Newbury (n 3) 28.

134 *ibid*.

135 Graham Cookson, *Unintended Consequences: The Cost of the Government's Legal Aid Reforms* (King's College London 2011) 6.

136 Hazel Genn, 'Do-it-Yourself Law: Access to Justice and the Challenge of Self-Representation' (2013) 32(4) *Civil Justice Quarterly* 416.

137 Hynes (n 57) 90.

138 Terry McGuinness, *Changes to Criminal Legal Aid, House of Commons Briefing Paper* (2016, No. 6628) 11.

139 Hynes (n 57) 90.

140 LASPO, 2012, Part 1, Sch 1.

141 Catherine Baksi, 'Civil Legal Aid: Access Denied' (*The Law Society Gazette*, 7 April 2014) <<https://www.lawgazette.co.uk/law/civil-legal-aid-access-denied/5040722.article>> accessed 13 July 2020.

142 LASPO, 2012, s.10.

143 ICF International, *Funding for Law Centres: Law Centres Network* (2014) 1 <<https://www.lawcentres.org.uk/policy-and-media/the-case-for-law-centres>> accessed 31 July 2021.

Due to the funding cuts implemented as a result of LASPO 2012, the LCN partnered with several other organisations in a bid to increase their funding efforts.<sup>144</sup> Changes to the Equality and Human Rights Commission (EHRC) led to the removal of funding from frontline advice organisations, including 27 law centres which provided legal casework and representation to the public on behalf of the EHRC.<sup>145</sup> Several local authorities also made cuts to their services including funding for law centres amongst other agencies, which left law centres with significantly reduced income.<sup>146</sup>

In 2011, there were 60 law centres, with three that were established that year.<sup>147</sup> Law centres had been awarded legal aid contracts, which increased their case starts by 30 percent.<sup>148</sup> If the State had increased law centres' funding incrementally, they would have been in a better position to meet the demands of those that resided within their localities. The remaining firms/advice centres were massively overstretched. This is corroborated by statistics that demonstrate that between 2007-8 and 2012-13, the level of funding that law centres received decreased from £21.2 to £17.5 million (not all of which came from the Government).<sup>149</sup> The Legal Aid Agency (replacement of the LSC), which remains the current main funder of law centres, provided just £9 million in funding.<sup>150</sup> When considering the fiscal benefits of law centres, it is noteworthy that they deliver benefits worth more than twice the amount for which they are funded (as discussed earlier).<sup>151</sup>

Local authority funding halted most of their grants to law centres following the Comprehensive Funding Review that took place in October 2011.<sup>152</sup> The Labour Party used this opportunity to attack the Conservatives on their abysmal record on access to justice.<sup>153</sup> However, even the New Labour Party's record on access to justice was far from perfect, as discussed in this article. This hostility from the State thwarted the development of law centres.

As law centres dealt with 120,000 cases in 2012-13, demand for them skyrocketed due to cuts in legal aid, reform of local welfare benefits services, an increase in immigration/asylum related problems and an increase in people facing rent arrears and debt.<sup>154</sup> Ironical that demand for them was increasing, yet funding by the State was being cut drastically. By 2013-14, in line with the demands of LASPO 2012 to cut the costs in social welfare law, there was a reduction of 75 percent from the law centre's budget.<sup>155</sup> The Coalition Government's plan was to remove the law centre's reliance on legal aid and to

shift this responsibility to charitable trusts, local authorities and other organisations.<sup>156</sup> They were never serious about helping the marginalised/vulnerable/powerless section of the community, and by this time, they had attempted to thwart the development of law centres completely. Yet despite the Conservative Government's plan to withdraw funding, by 2013-14, there were 94 law centres; due to the efforts of the LCF in gaining funding from various organisations—an amazing achievement.<sup>157</sup>

According to a report dated 2014, law centres continued to deliver significant economic impacts and their financial benefits were repeatedly echoed—something that the Conservative Government seems to have ignored.<sup>158</sup> So, the State saved around £500 million in annual costs associated with debt and temporary accommodation. £450 million was saved in costs related to homelessness, etc.<sup>159</sup> £99.8 million was added to tax revenues through creating employment.<sup>160</sup> The importance of the work that law centres did/do has never been doubted. As the years progressed, law centres became increasingly engaged in undertaking work for the most vulnerable section of society and their local communities. In LCN's 2017 report, it was noted that law centres were doing important work for the Grenfell fire tragedy that engulfed the nation.<sup>161</sup> The tragedy took place just on the doorstep of the North Kensington Law Centre, which led to a sharp rise in urgent need from traumatised survivors and the LCF and attracted pro bono support from city law firms.<sup>162</sup> As assistance from legal aid had dropped by 60 percent because of the implementation of LASPO 2012,<sup>163</sup> the role of social justice lawyers became increasingly important in supporting their communities.

A recent article by Bowcott (2019) reported that law centres have halved since 2013-14.<sup>164</sup> A report from LCN dated 2018-19 stipulated that several law centres representing Windrush clients were mainly funded by the National Lottery fund.<sup>165</sup> At such a crucial time, law centres are being compelled to obtain funding from other organisations, given that the State has totally abandoned them. So, by 2019, there were just 47 law centres left in the UK.<sup>166</sup> Only six new law centres have opened since the implementation of LASPO 2012 despite the drastic increase in demand for them.<sup>167</sup>

A report from Law Centres Network dated 2019-20 stipulated that law centres have not decreased dramatically in number despite the difficulties law centres faced over the years.<sup>168</sup> Due to the loss of legal aid income, many expected law centres to close down at a rapid pace, but a fundraising campaign initiated by the LCF raised £4 million

144 LCN, *Forging Lasting Networks: LCN Annual Review 2011-12* (2012) 1 <<https://www.lawcentres.org.uk/asset/download/202>> accessed 31 July 2021.

145 *ibid.*

146 LCN (n 145) 1.

147 LCN, *Annual Report 2010/11: Weathering the Storm* (2011) 3, 9 <<https://www.lawcentres.org.uk/policy-and-media/papers-and-publications/annual-reviews>> accessed 31 July 2021.

148 *ibid.* 10.

149 ICF International (n 143) 6-7.

150 *ibid.*

151 *ibid.* 1.

152 PWC, *Law Centre Report Social Impact Study* (2013) 5 <<https://www.lawcentres.org.uk/policy-and-media/the-case-for-law-centres>> accessed 18 October 2021.

153 The Low Commission, *Getting it Right in Social Welfare Law: The Low Commission's follow-up report* (2015) 15-6 <<https://www.lag.org.uk/about-us/policy/the-low-commission-200551>> accessed 12 July 2021.

154 Joseph Rowntree Foundation, *Monitoring Poverty and Social Exclusion* (2013) <<https://www.jrf.org.uk/report/monitoring-poverty-and-social-exclusion-2013>> accessed 19 October 2021.

155 ICF International (n 143) 7.

156 *ibid.* 13.

157 Owen Bowcott, 'Legal Advice Centre in England and Wales Halved Since 2013/14' *The Guardian* (London, 15 July 2019) <<https://www.theguardian.com/law/2019/jul/15/legal-advice-centres-in-england-and-wales-halved-since-2013-14>> accessed 31 July 2021.

158 ICF International (n 143) 1.

159 *ibid.*

160 *ibid.*

161 LCN, *Doing Justice: LCN Annual Review 2016-17* (2017) 3 <<https://www.lawcentres.org.uk/policy-and-media/papers-and-publications/annual-reviews>> accessed 8 November 2021.

162 *ibid.* 7.

163 *ibid.* 14.

164 Bowcott (n 157).

165 LCN, *Doing Justice in Dark Times: LCN Annual Review 2018-19* (2019) 1 <<https://www.lawcentres.org.uk/policy-and-media/papers-and-publications/annual-reviews>> accessed 20 September 2021.

166 Bowcott (n 157).

167 LCN (n 165) 7.

168 *ibid.* 3.

in surplus funds.<sup>169</sup> The Conservative Government has also found a way to assist law centres through grant funding to supplement legal aid fees with potential support from the Justice Committees for further grants-in-aid.<sup>170</sup> Law centres have also negotiated a deal with three multi-partner projects with European citizens to support vulnerable European Union citizens following Brexit.<sup>171</sup> In addition, they are also pioneering a new project to address barriers to access to justice for victims of crime whose first language is not English.<sup>172</sup> They have also started paying greater attention to those that have been affected by the COVID-19 pandemic, such as those that may be facing eviction from their homes, workers facing discrimination because of the 'furlough scheme' and redundancy processes, and towards migrants that may need help with healthcare/housing matters.<sup>173</sup> Law centres have expanded their work, demonstrating their resilience to help the most impoverished/vulnerable individuals within their communities. This amazing movement has helped more than 5 million individuals.<sup>174</sup> Law centres are needed more than ever now.

### The Importance of Law Centres and Recommendations for the Future

Law Centres have raised the morale of poor people by showing them that the legal system was also their system and by giving them a voice. As they specialise in areas that are neglected, they have had the effect of informing and educating the poorer people about the workings of the legal system, so their existence should be celebrated. They improve the daily lives of the community they work in and defend the legal rights of local people, given the localised knowledge they possess about the difficulties their residents face. They have developed independent, elected management committees, and close links with a range of people and groups in their localities such as children's centres and schools, older people's groups, faith communities, and trade unions with black and Asian minority ethnicities as well as local councils and other agencies.<sup>175</sup> Law centres, most importantly, provide their communities with independent and expert legal assistance that is essential for maintaining the rule of law.<sup>176</sup>

In terms of the recommendations for the future, the State should first devise a clear policy on law centres' functionality and dedicate substantial funds to them. These funds should increase every year in correlation with demand and supply requirements. There should further be some division of work between law centres and solicitors as the former have always possessed expertise in poverty law since the very beginning. Most importantly, the relationship between the various interested parties, such as the State, the Law Society and the law centres, should be harmonious as opposed to being antagonistic/hostile.

### Conclusion

From this article, it is apparent that there was never a clear policy on how to fund and operate law centres, despite the influence this movement has had in expanding the definitions of services that solicitors may provide. They are at the peril of the Labour and the Conservative Government as well as the Law Society.

The decrease in funding has impacted those that are marginalised and vulnerable as they will not be able to seek assistance from their local law centres. These individuals will simply not be able to enforce their rights and may have to live with the consequences of being defrauded by the State or other individuals. Such individuals already feel voiceless and powerless, and there are links between unresolved legal problems and the increased likelihood of engaging in criminal activity.

It may also mean that many of these vulnerable and marginalised individuals may have to represent themselves in courts or tribunals. This will not only be an insurmountable challenge for the aggrieved applicant but also for the judiciary, given that lay individuals do not understand much of the legal jargon/rules. The concept of local justice is being eroded because one of the main reasons for establishing these centres was that they would advise their communities on their rights and the law given that such centres would be well informed about the legal problems the residents in their communities' face.

The work of law centres is now more important than ever considering the recent cuts to social welfare law by LASPO 2012 and the COVID-19 pandemic. Communities still need access to justice, yet it appears that the State has ignored the importance of law centres. Law centres have empowered clients to handle their own affairs, and this has been thematic throughout the history of this remarkable movement. Law centres generate significant net benefits to the public purse that would be foregone without the funding made available through the Ministry of Justice, local authorities, trusts, foundations and other sources.

169 LCN, *2019/20 Report: Rising to a Formidable Challenge Together* (2020) 3 <<https://www.lawcentres.org.uk/policy-and-media/papers-and-publications/annual-reviews>> accessed 31 July 2021.

170 *ibid* 5.

171 *ibid*.

172 *ibid* 12.

173 *ibid* 5.

174 *ibid* 18-9.

175 LCF (n 46) 4.

176 *ibid*.