

Status: Point in time view as at 04/04/2005. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Access to Justice Act 1999, SCHEDULE 2 is up to date with all changes known to be in force on or before 08 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 6.

COMMUNITY LEGAL SERVICE: EXCLUDED SERVICES

The services which may not be funded as part of the Community Legal Service are as follows.

- 1 Services consisting of the provision of help (beyond the provision of general information about the law and the legal system and the availability of legal services) in relation to—
- (a) allegations of negligently caused injury, death or damage to property, apart from allegations relating to clinical negligence,
 - (b) conveyancing,
 - (c) boundary disputes,
 - (d) the making of wills,
 - (e) matters of trust law,
 - (f) defamation or malicious falsehood,
 - (g) matters of company or partnership law,^{F1} . . .
 - (h) other matters arising out of the carrying on of a [^{F2}business, or]
 - [^{F3}(i) attending an interview conducted on behalf of the Secretary of State with a view to his reaching a decision on a claim for asylum (as defined by section 167(1) of the Immigration and Asylum Act 1999^{F4}).]

Textual Amendments

- F1** Word in Sch. 2 para. 1(g) deleted (1.4.2004) by [The Community Legal Service \(Scope\) Regulations 2004 \(S.I. 2004/1055\)](#), [reg. 2\(a\)](#)
- F2** Words in Sch. 2 para. 1(h) substituted (1.4.2004) by [The Community Legal Service \(Scope\) Regulations 2004 \(S.I. 2004/1055\)](#), [reg. 2\(b\)](#)
- F3** Sch. 2 para. 1(i) inserted (1.4.2004) by [The Community Legal Service \(Scope\) Regulations 2004 \(S.I. 2004/1055\)](#), [reg. 2\(c\)](#)
- F4** 1999 c 33.

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- [^{F5}1A Services consisting of the provision of help to an individual in relation to matters arising out of or in connection with—
- (a) a proposal by that individual to establish a business;
 - (b) the carrying on of a business by that individual (whether or not the business is being carried on at the time the services are provided);
 - (c) the termination or transfer of a business that was being carried on by that individual.]

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Textual Amendments

F5 Sch. 2 para. 1A inserted (prosp.) by Coroners and Justice Act 2009 (c. 25), ss. 150(3), 182 (with s. 180)

- 2 Advocacy in any proceedings except—
- (1) proceedings in—
 - (a) the House of Lords in its judicial capacity,
 - (b) the Judicial Committee of the Privy Council in the exercise of its jurisdiction under the ^{M1}Government of Wales Act 1998, the ^{M2}Scotland Act 1998 or the ^{M3}Northern Ireland Act 1998,
 - (c) the Court of Appeal,
 - (d) the High Court,
 - (e) any county court,
 - (f) the Employment Appeal Tribunal, [^{F6}or]
 - (g) any Mental Health Review Tribunal,
 - [^{F7}(h) the Asylum and Immigration Tribunal,]
 - [^{F8}(ha) the Special Immigration Appeals Commission,][^{F9} or
 - ^{F9}(i) the Proscribed Organisations Appeal Commission]
 - (2) proceedings in the Crown Court—
 - (a) for the variation or discharge of an order under section 5 of the ^{M4}Protection from Harassment Act 1997,
 - (b) which relate to an order under section ^{F10} . . . 10 of the ^{M5}Crime and Disorder Act 1998, ^{F11} . . .
 - ^{F12}(c) [^{F13F14} . . .
 - (d) which relate to an order under paragraph 6 of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001][^{F15} or]
 - [^{F16}(e) under the Proceeds of Crime Act 2002 to the extent specified in paragraph 3,]
 - (3) proceedings in a magistrates' court—
 - (a) under section 43 or 47 of the ^{M6}National Assistance Act 1948, section 22 of the ^{M7}Maintenance Orders Act 1950, section 4 of the ^{M8}Maintenance Orders Act 1958 or section 106 of the ^{M9}Social Security Administration Act 1992,
 - (b) under Part I of the ^{M10}Maintenance Orders (Reciprocal Enforcement) Act 1972 relating to a maintenance order made by a court of a country outside the United Kingdom,
 - (c) in relation to an application for leave of the court to remove a child from a person's custody under section 27 or 28 of the ^{M11}Adoption Act 1976 or in which the making of an order under Part II or section 29 or 55 of that Act is opposed by any party to the proceedings,
 - (d) for or in relation to an order under Part I of the ^{M12}Domestic Proceedings and Magistrates' Courts Act 1978,

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- [^{F17}(da) under section 55A of the Family Law Act 1986 (declarations of parentage),]
(e) under the ^{M13}Children Act 1989,
(f) under section 30 of the ^{M14}Human Fertilisation and Embryology Act 1990,
(g) under section 20 ^{F18}. . . of the ^{M15}Child Support Act 1991,
(h) under Part IV of the ^{M16}Family Law Act 1996,
(i) for the variation or discharge of an order under section 5 of the Protection from Harassment Act 1997, ^{F19}. . .
(j) under [^{F20}section 8 or 11] of the Crime and Disorder Act 1998 [^{F21F22}. . . ,
(k) for an order or direction under paragraph 3, 5, 6, 9 or 10 of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001]
[^{F23}(l) for an order or direction under section 295, 297, 298, 301 or 302 of the Proceeds of Crime Act 2002,] and
(4) proceedings before any person to whom a case is referred (in whole or in part) in any proceedings within paragraphs (1) to (3).

Textual Amendments

- F6** Word in Sch. 2 para. 2(1)(f) repealed (19.2.2001) by 2000 c. 11, s. 125(2), **Sch. 16 Pt. I**; S.I. 2001/421, **art. 2**
- F7** Sch. 2 para. 2(1)(h) substituted (4.4.2005) by Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), ss. 26(7), 48(3), **Sch. 2 para. 14**; S.I. 2005/565, **art. 2** (with arts. 3-9)
- F8** Sch. 2 para. 2(1)(ha) inserted (1.4.2003) by Nationality, Immigration and Asylum Act 2002 (c. 41), ss. 116, 162 (with s. 159); S.I. 2003/754, **art. 2**, Sch. 1 (with arts. 3, 4, Sch. 2) (as amended (8.4.2003) by S.I. 2003/1040, art. 2) and (9.6.2003) by S.I. 2003/1339, art. 4)
- F9** Sch. 2 para. 2(1)(i) and preceding word inserted (19.2.2001) by 2000 c. 11, s. 125(1), **Sch. 15 para. 19**; S.I. 2001/421, **art. 2**
- F10** Words in Sch. 2 para. 2(2)(b) deleted (1.4.2000) by S.I. 2000/822, **art. 3(b)(i)**
- F11** Word in Sch. 2 para. 2(2)(b) repealed (20.12.2001) by 2001 c. 24, ss. 2(2), 125, **Sch. 8 Pt. I**; S.I. 2001/4019, **art. 2(b)(d)**
- F12** Sch. 2 para. 2(2)(c) deleted (1.4.2000) by S.I. 2000/822, **art. 3(b)(ii)**
- F13** Sch. 2 para. 2(2)(d) and preceding word inserted (20.12.2001) by 2001 c. 24, s. 2(2); S.I. 2001/4019, **art. 2(b)**
- F14** Word in Sch. 2 para. 2(2)(c) omitted (30.12.2002) by virtue of Proceeds of Crime Act 2002 (c. 29), s. 456, **Sch. 11 para. 36(2)** and repealed (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), ss. 458(1), 457, **Sch. 12**; S.I. 2003/120, **art. 2**, Sch. (subject to arts. 3-7 (as amended by S.I. 2003/333, art. 14))
- F15** Sch. 2 para. 2(2)(e) and preceding word inserted (30.12.2002) by Proceeds of Crime Act 2002 (c. 29), s. 456, **Sch. 11 para. 36(2)**; S.I. 2002/3015, art. 2, **Sch.**
- F16** Sch. 2 para. 2(2)(e) and preceding word inserted (30.12.2002) by Proceeds of Crime Act 2002 (c. 29), s. 456, **Sch. 11 para. 36(2)**; S.I. 2002/3015, art. 2, **Sch.**
- F17** Sch. 2 para. 2(3)(da) inserted (1.4.2001) by 2000 c. 19, s. 83(5), **Sch. 8 para. 15** (with s. 83(6)); S.I. 2001/774, **art. 2(c)**
- F18** Words in Sch. 2 para. 2(3)(g) repealed (1.4.2001) by 2000 c. 19, s. 85, **Sch. 9 Pt. IX** (with s. 83(6)); S.I. 2001/774, **art. 2(d)**
- F19** Word in Sch. 2 para. 2(3)(i) repealed (20.12.2001) by 2001 c. 24, ss. 2(3), 125, **Sch. 8 Pt. I**; S.I. 2001/4019, **art. 2(b)(d)**
- F20** Words in Sch. 2 para. 2(3)(j) substituted (1.4.2000) by S.I. 2000/822, **art. 3(c)**

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- F21** Sch. 2 para. 2(3)(k) and preceding word inserted (20.12.2001) by 2001 c. 24, s. 2(3); S.I. 2001/4019, art. 2(b)
- F22** Word in Sch. 2 para. 2(3)(j) omitted (30.12.2002) by virtue of Proceeds of Crime Act 2002 (c. 29), s. 456, Sch. 11 para. 36(3) and repealed (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), ss. 458(1), 457, Sch. 12; S.I. 2003/120, art. 2, Sch. (subject to arts. 3-7 (as amended by S.I. 2003/333, art. 14))
- F23** Sch. 2 para. 2(3)(l) inserted (30.12.2002) by Proceeds of Crime Act 2002 (c. 29), s. 456, Sch. 11 para. 36(3); S.I. 2002/3015, art. 2, Sch.

Marginal Citations

- M1** 1998 c.38.
M2 1998 c.46.
M3 1998 c.47.
M4 1997 c.40.
M5 1998 c.37.
M6 1948 c.29.
M7 1950 c.37.
M8 1958 c.39.
M9 1992 c.5.
M10 1972 c.18.
M11 1976 c.36.
M12 1978 c.22.
M13 1989 c.41.
M14 1990 c.37.
M15 1991 c.48.
M16 1996 c.27.

- 3 (1) These are the proceedings under the Proceeds of Crime Act 2002—
- (a) an application under section 42(3) to vary or discharge a restraint order or an order under section 41(7);
 - (b) proceedings which relate to a direction under section 54(3) or 56(3) as to the distribution of funds in the hands of a receiver;
 - (c) an application under section 62 relating to action taken or proposed to be taken by a receiver;
 - (d) an application under section 63 to vary or discharge an order under any of sections 48 to 53 for the appointment of or conferring powers on a receiver;
 - (e) an application under section 72 or 73 for the payment of compensation;
 - (f) proceedings which relate to an order under section 298 for the forfeiture of cash;
 - (g) an application under section 351(3), 362(3), 369(3) or 375(2) to vary or discharge certain orders made under Part 8.
- (2) But sub-paragraph (1) does not authorise the funding of the provision of services to a defendant (within the meaning of Part 1 of that Act) in relation to—
- (a) proceedings mentioned in paragraph (b);
 - (b) an application under section 73 for the payment of compensation if the confiscation order was varied under section 29.

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PROSPECTIVE

F24

Textual Amendments

F24 Schs. 1-3A omitted (1.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 5 para. 51\(a\)](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

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