

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Community Legal Service (Cost Protection) Regulations 2000 (S.I.2000/824, “the principal Regulations”).

Section 11 of the Access to Justice Act 1999 provides for the extent to which a person receiving funded services may be liable personally to pay the costs of legal proceedings where a costs order is made against him or her. Regulation 3 of the principal Regulations sets out the circumstances in which the limit under section 11(1) does not apply. Regulations 2(1), 3(1)(d), 3(2) and 3(4) provide that the limit will not now apply in relation to certain funded family proceedings as defined in these Regulations.

Regulations 2(2), 2(3), 3(1) (a) and (b), 3(3) and 5 make other minor amendments consequential upon changes to the Funding Code criteria which abolish Support Funding.

Regulation 4 amends regulation 4 of the principal Regulations, which provides for enforcement of a costs order so that its provisions only apply where cost protection applies.

These Regulations also contain transitional provisions.

The Funding Code and the Guidance to the Funding Code is available on the Legal Services Commission website at www.legalservices.gov.uk