



# Access to Justice Act 1999

## 1999 CHAPTER 22

### PART I

#### LEGAL SERVICES COMMISSION

#### *Supplementary*

#### **19 Foreign law.**

- (1) The Commission may not fund as part of the Community Legal Service or Criminal Defence Service services relating to any law other than that of England and Wales, unless any such law is relevant for determining any issue relating to the law of England and Wales.
- (2) But the Lord Chancellor may, if it appears to him necessary to do so for the purpose of fulfilling any obligation imposed on the United Kingdom by any international agreement, by order specify that there may be funded as part of the Community Legal Service or Criminal Defence Service (or both) services relating to the application of such other law as may be specified in the order.

#### **20 Restriction of disclosure of information.**

- (1) Subject to the following provisions of this section, information which is furnished—
  - (a) to the Commission or any court, tribunal or other person or body on whom functions are imposed or conferred by or under this Part, and
  - (b) in connection with the case of an individual seeking or receiving services funded by the Commission as part of the Community Legal Service or Criminal Defence Service,shall not be disclosed except as permitted by subsection (2).
- (2) Such information may be disclosed—
  - (a) for the purpose of enabling or assisting the Commission to discharge any functions imposed or conferred on it by or under this Part,

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- (b) for the purpose of enabling or assisting the Lord Chancellor to discharge any functions imposed or conferred on him by or under this Part,
  - (c) for the purpose of enabling or assisting any court, tribunal or other person or body to discharge any functions imposed or conferred on it by or under this Part,
  - (d) except where regulations otherwise provide, for the purpose of the investigation or prosecution of any offence (or suspected offence) under the law of England and Wales or any other jurisdiction,
  - (e) in connection with any proceedings relating to the Community Legal Service or Criminal Defence Service, or
  - (f) for the purpose of facilitating the proper performance by any tribunal of disciplinary functions.
- (3) Subsection (1) does not limit the disclosure of—
- (a) information in the form of a summary or collection of information so framed as not to enable information relating to any individual to be ascertained from it, or
  - (b) information about the amount of any grant, loan or other payment made to any person or body by the Commission.
- (4) Subsection (1) does not prevent the disclosure of information for any purpose with the consent of the individual in connection with whose case it was furnished and, where he did not furnish it himself, with that of the person or body who did.
- (5) A person who discloses any information in contravention of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (6) Proceedings for an offence under this section shall not be brought without the consent of the Director of Public Prosecutions.
- (7) Nothing in this section applies to information furnished to a person providing services funded as part of the Community Legal Service or the Criminal Defence Service by or on behalf of an individual seeking or receiving such services.

**Modifications etc. (not altering text)**

C1 S. 20(2): Disclosure powers extended (14.12.2001) by 2001 c. 24, ss. 17, 127(2), Sch. 4 Pt. I para. 47

**21 Misrepresentation etc.**

- (1) Any person who—
- (a) intentionally fails to comply with any requirement imposed by virtue of this Part as to the information to be furnished by him, or
  - (b) in furnishing any information required by virtue of this Part makes any statement or representation which he knows or believes to be false,
- shall be guilty of an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to—
- (a) a fine not exceeding level 4 on the standard scale, or
  - (b) imprisonment for a term not exceeding three months,

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or to both.

- (3) Proceedings in respect of an offence under subsection (1) may (despite anything in the <sup>M1</sup>Magistrates' Courts Act 1980) be brought at any time within the period of six months beginning with the date on which evidence sufficient in the opinion of the prosecutor to justify a prosecution comes to his knowledge.
- (4) But subsection (3) does not authorise the commencement of proceedings for an offence at a time more than two years after the date on which the offence was committed.
- (5) A county court shall have jurisdiction to hear and determine any action brought by the Commission to recover loss sustained by reason of—
  - (a) the failure of any person to comply with any requirement imposed by virtue of this Part as to the information to be furnished by him, or
  - (b) a false statement or false representation made by any person in furnishing any information required by virtue of this Part.

#### Marginal Citations

M1 1980 c.43.

## 22 Position of service providers and other parties etc.

- (1) Except as expressly provided by regulations, the fact that services provided for an individual are or could be funded by the Commission as part of the Community Legal Service or Criminal Defence Service shall not affect—
  - (a) the relationship between that individual and the person by whom they are provided or any privilege arising out of that relationship, or
  - (b) any right which that individual may have to be indemnified in respect of expenses incurred by him by any other person.
- (2) A person who provides services funded by the Commission as part of the Community Legal Service or Criminal Defence Service shall not take any payment in respect of the services apart from—
  - (a) that made by way of that funding, and
  - (b) any authorised by the Commission to be taken.
- (3) The withdrawal of a right to representation previously granted to an individual shall not affect the right of any person who has provided to him services funded by the Commission as part of the Criminal Defence Service to remuneration for work done before the date of the withdrawal.
- (4) Except as expressly provided by regulations, any rights conferred by or by virtue of this Part on an individual for whom services are funded by the Commission as part of the Community Legal Service or Criminal Defence Service in relation to any proceedings shall not affect—
  - (a) the rights or liabilities of other parties to the proceedings, or
  - (b) the principles on which the discretion of any court or tribunal is normally exercised.
- (5) Regulations may make provision about the procedure of any court or tribunal in relation to services funded by the Commission as part of the Community Legal Service or Criminal Defence Service.

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- (6) Regulations made under subsection (5) may in particular authorise the exercise of the functions of any court or tribunal by any member or officer of that or any other court or tribunal.

### 23 Guidance.

- (1) The Lord Chancellor may give guidance to the Commission as to the manner in which he considers it should discharge its functions.
- (2) The Commission shall take into account any such guidance when considering the manner in which it is to discharge its functions.
- (3) Guidance may not be given under this section in relation to individual cases.
- (4) The Lord Chancellor shall either—
- (a) publish, or
  - (b) require the Commission to publish,
- any guidance given under this section.

### 24 Consequential amendments.

Schedule 4 (which makes amendments consequential on this Part) has effect.

#### Commencement Information

- II** S. 24 wholly in force; s. 24 not in force at Royal Assent see s. 108; s. 24 in force for specified purposes at 1.4.2000 by S.I. 2000/774, art. 2(a)(iii) (subject to arts. 3, 4); s. 24 in force insofar as not already in force at 2.4.2001 by S.I. 2001/916, art. 3(a)(ii)

### 25 Orders, regulations and directions.

- (1) Any power of the Lord Chancellor under this Part to make an order or regulations is exercisable by statutory instrument.
- (2) Before making any remuneration order relating to the payment of remuneration to barristers or solicitors the Lord Chancellor shall consult the General Council of the Bar and the Law Society.
- (3) When making any remuneration order the Lord Chancellor shall have regard to—
- (a) the need to secure the provision of services of the description to which the order relates by a sufficient number of competent persons and bodies,
  - (b) the cost to public funds, and
  - (c) the need to secure value for money.
- (4) In subsections (2) and (3) “remuneration order” means an order under section 6(4), 13(3) or 14(3) which relates to the payment by the Commission of remuneration—
- (a) for the provision of services by persons or bodies in individual cases, or
  - (b) by reference to the provision of services by persons or bodies in specified numbers of cases.
- (5) No directions may be given by the Lord Chancellor to the Commission under this Part in relation to individual cases.

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- (6) Any directions given by the Lord Chancellor to the Commission under this Part may be varied or revoked.
- (7) The Lord Chancellor shall either—
  - (a) publish, or
  - (b) require the Commission to publish,any directions given by him under this Part.
- (8) Orders, regulations and directions of the Lord Chancellor under this Part may make different provision for different purposes (including different areas).
- (9) No order shall be made under section 2 or 8 or paragraph 5(3) of Schedule 3, and no regulations shall be made under section 6(7), 11(1) or (4)(b) or (d) or 15(2)(a) or (5) or paragraph 4 of Schedule 3, unless a draft of the order or regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (10) A statutory instrument containing any other order or regulations under this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **26 Interpretation.**

In this Part—

- “the Commission” means the Legal Services Commission,
- “the Community Legal Service Fund” has the meaning given by section 5(1),
- “criminal proceedings” has the meaning given in section 12(2),
- “prescribed” means prescribed by regulations and “prescribe” shall be construed accordingly,
- “regulations” means regulations made by the Lord Chancellor, and
- “representation” means representation for the purposes of proceedings and includes the assistance which is usually given by a representative in the steps preliminary or incidental to any proceedings and, subject to any time limits which may be prescribed, advice and assistance as to any appeal.

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