

2001 No. 3812

LEGAL SERVICES COMMISSION, ENGLAND AND WALES

**The Community Legal Service (Cost Protection)
(Amendment No. 2) Regulations 2001**

Made - - - - - 29th November 2001

Coming into force - - - 3rd December 2001

The Lord Chancellor, in exercise of the powers conferred on him by sections 11(3) and (4)(d) of the Access to Justice Act 1999(a), makes the following Regulations, a draft of which has been laid before and approved by resolution of each House of Parliament:

Citation and commencement

1. These Regulations may be cited as the Community Legal Service (Cost Protection) (Amendment No. 2) Regulations 2001 and shall come into force on 3rd December 2001.

Interpretation

2.—(1) In these Regulations, “the Regulations” means the Community Legal Service (Cost Protection) Regulations 2000(b), and a reference to a regulation by number alone means the regulation so numbered in the Regulations.

(2) Words and expressions defined in the Regulations shall, unless the context requires otherwise, have the same meaning in these Regulations as they do in the Regulations.

Transitional provisions

3. These Regulations shall apply to applications for funded services made on or after 3rd December 2001 and applications made before that date shall be treated as if these Regulations had not been made.

Amendments to the Community Legal Service (Cost Protection) Regulations 2000

4.—(1) At the beginning of regulation 5(3)(b) there shall be inserted:
“unless there is a good reason for the delay.”

(a) 1999 c. 22.
(b) S.I. 2000/824.

(2) In regulation 5(3)(c):

- (a) after “client” there shall be inserted “, the non-funded party is an individual,”;
and
- (b) “severe” shall be deleted.

Signed by the authority of the Lord Chancellor

Patricia Scotland
Parliamentary Secretary,
Lord Chancellor’s Department

Dated 29th November 2001

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make changes to the Community Legal Service (Cost Protection) Regulations 2000 so as to amend the conditions which must be satisfied in order for an order to be made against the Legal Services Commission for the payment of costs incurred by a party who has not received funded services.

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