

2002 No. 1766

**LEGAL SERVICES COMMISSION, ENGLAND
AND WALES**

**The Community Legal Service (Financial)
(Amendment No. 2) Regulations 2002**

Made - - - - - *6th July 2002*
Laid before Parliament *11th July 2002*
Coming into force - - *5th August 2002*

The Lord Chancellor, in exercise of the powers conferred on him by section 7 of the Access to Justice Act 1999(a), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Community Legal Service (Financial) (Amendment No. 2) Regulations 2002 and shall come into force on 5th August 2002.

Interpretation

2. In these Regulations, a reference to a regulation by number alone means the regulation so numbered in the Community Legal Service (Financial) Regulations 2000(b).

Transitional provisions

3. These Regulations shall apply to applications for funded services, and further assessments under regulation 15, made on or after 5th August 2002 and applications and further assessments made before that date shall be treated as if these Regulations had not been made.

Amendments to the Community Legal Service (Financial) Regulations 2000

- 4.—(1) The following shall be inserted at the end of regulation 5A(1):
“other than those payments which are to be disregarded under regulation 19, and any housing benefit paid under the Social Security Contributions and Benefits Act 1992(c).”.
- (2) In regulation 5A(4):
(a) “paragraph (5) and” shall be inserted after “Subject to”; and
(b) “£2,250” shall be substituted for “£2,034”.
- (3) The following shall be inserted after regulation 5A(4):
“(5) Where the person concerned has more than four dependant children in respect of whom he receives child benefit, the sum referred to in paragraph (4) shall be increased by £145 in respect of the fifth and each subsequent child.”.

(a) 1999 c. 22.
(b) S.I. 2000/516, as amended by S.I. 2001/950, 2997, 3663 and 3929, and 2002/709. Regulation 5A was inserted by S.I. 2001/3663, and amended by S.I. 2002/709, which also amended regulation 19.
(c) 1992 c. 4.

5. In regulation 19, “or the gross income” shall be inserted after “disposable income”.

Signed by authority of the Lord Chancellor

Patricia Scotland
Parliamentary Secretary
Lord Chancellor’s Department

6th July 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the provisions relating to the gross income cap in the Community Legal Service (Financial) Regulations 2000. They increase the gross income limit beyond which an individual is not eligible for services funded by the Legal Services Commission as part of the Community Legal Service. They also provide for deductions of benefits to be made in assessing gross income. In addition they provide for the limit to be increased for individuals who have more than four dependant children.

£1.50

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under the authority and superintendence of Carol Tullo, Controller of
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E1125 7/2002 121125 19585

ISBN 0-11-042467-0



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