

2003 No. 650

**LEGAL SERVICES COMMISSION,
ENGLAND AND WALES**

**The Community Legal Service (Financial)
(Amendment) Regulations 2003**

Made - - - - - 5th March 2003

Laid before Parliament 11th March 2003

Coming into force in accordance with regulation 1

The Lord Chancellor, in exercise of the powers conferred upon him by sections 7 and 10 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) Regulations 2003 and shall come into force—

- (a) for the purposes of regulation 4 of these Regulations, on the day section 2 of the State Pension Credit Act 2002(b) (Guarantee credit) comes into force for all purposes(c);
- (b) for all other purposes, on 7th April 2003.

Interpretation

2. In these Regulations, except where the context requires otherwise, reference to a regulation by number alone means the regulation so numbered in the Community Legal Service (Financial) Regulations 2000(d).

Amendments to the Community Legal Service (Financial) Regulations 2000

3. In regulation 2(1), after the definition of “funded services”, insert—

““Multi-Party Action” means any action or actions, in which a number of clients have causes of action, which involve common issues of fact or law arising out of the same cause or event;”.

(a) 1999 c. 22.

(b) 2002 c. 16.

(c) Section 2 was brought into force on 2nd July 2002 for the purpose only of exercising any power to make regulations or orders: S.I. 2002/1691.

(d) S.I. 2000/516, amended by S.I. 2001/3663.

4. In regulation 4(2), for “income-based jobseeker’s allowance”, substitute—
“, income-based jobseeker’s allowance or guarantee state pension credit (under section 1(3)(a) of the State Pension Credit Act 2002(a)),”.
- 5.—(1) In regulation 5(2), for “£611” substitute “£621”;
(2) In regulation 5(3), for “£695” substitute “£707”;
(3) In regulation 5(5), for “£695” substitute “£707”;
(4) In regulation 5(6), for “£695” substitute “£707”.
6. In regulation 5A(4), for “£2,250” substitute “£2,288”.
7. In regulation 5B—
 - (a) omit paragraph (1);
 - (b) for paragraph (2)(b), substitute—
“(b) the Commission considers it cost-effective to fund those services only in relation to specific issues within the Multi-Party Action.”.
8. In regulation 38(2)(a)—
 - (a) for “£263” substitute “£267”;
 - (b) in paragraph (i), for “£259” substitute “£263”, and for “£386” substitute “£393”;
 - (c) in paragraph (ii), for “£387” substitute “£394”, and for “£513” substitute “£522”.
9. For regulation 38(8), substitute—
“(8) Paragraph (9) applies where the Commission funds Legal Representation or Support Funding in proceedings which it considers to have a significant wider public interest and either:
 - (a) the Commission considers it cost-effective to fund those services for a specified claimant or claimants, but not for other claimants or potential claimants who might benefit from the litigation; or
 - (b) the Commission is funding those services in a Multi-Party Action and it considers it cost-effective to fund those services only in relation to specific issues within that action.”.
10. In regulation 43—
 - (a) in paragraph (1), for “(3) and (4)” substitute “(3), (4) and (5)”;
 - (b) after paragraph (4), insert—
“(5) Where Legal Help is provided as part of the family advice and information networks pilot, the amount of the statutory charge shall not exceed the sum which would have been expended by the Commission, had the Legal Help been provided otherwise than as a part of that pilot.”.

Signed by authority of the Lord Chancellor

5th March 2003

Scotland of Asthal, QC
Parliamentary Secretary
Lord Chancellor’s Department

(a) 2002 c. 16.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Community Legal Service (Financial) Regulations 2000 (S.I. 2000/516) (“the 2000 Regulations”).

Regulation 4 makes provision for persons in receipt of a guarantee state pension credit under the State Pension Credit Act 2002 (c. 16) to be taken as automatically satisfying the financial eligibility determination under regulation 4 of the 2000 Regulations.

Regulations 5, 6 and 8 amend the income limits for the purposes of determining eligibility for services provided by the Legal Services Commission as part of the Community Legal Service.

Regulation 7 amends regulation 5B of the 2000 Regulations so that the Commission may waive eligibility limits in relation to specific issues in multi-party actions. Regulation 9 amends regulation 38(8) of 2000 Regulations so that as well as test cases, the Commission may waive contributions in respect of specific issues in multi-party actions.

Regulation 10 makes an amendment to provide that where Legal Help is given as part of the family advice and information networks pilot, a funded party’s liability is limited to the charge which would have been incurred under the Legal Help remuneration, and is not affected by any increased remuneration which may be applicable under that pilot.

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