

2004 No. 597

**LEGAL SERVICES COMMISSION, ENGLAND AND
WALES**

**The Community Legal Service (Funding) (Amendment) Order
2004**

<i>Made</i> - - - -	<i>8th March 2004</i>
<i>Laid before Parliament</i>	<i>9th March 2004</i>
<i>Coming into force</i> - -	<i>1st April 2004</i>

The Secretary of State, in exercise of the powers conferred by section 6(4) of the Access to Justice Act 1999(a) and now vested in him(b), having had regard to the matters specified in section 25(3) and having consulted the General Council of the Bar and the Law Society, makes the following Order:

1.—(1) This Order may be cited as the Community Legal Service (Funding) (Amendment) Order 2004 and shall come into force on 1st April 2004.

(2) In this Order, “the Order” means the Community Legal Service (Funding) Order 2000(c) and an article or a Schedule referred to by number alone means the article or Schedule so numbered in the Order.

2. This Order shall apply in relation to work done on or after 1st April 2004, and in relation to work done before that date the Order shall have effect as if this Order had not been made.

3.—(1) In article 5(3A), for “payment shall be” substitute “payment shall, subject to paragraph (7B), be”.

(2) In article 5(4A), for “payment shall be” substitute “payment shall, subject to paragraph (7B), be”.

(3) After article 5(7A) insert—

“(7B) The maximum rate applicable in relation to any specialist immigration work shall be 5% greater than the maximum rate which would be applicable to that work but for this paragraph.

(7C) In paragraph (7B)—

“maximum rate” means a rate specified by this article as the rate that may not be exceeded in relation to payment by the Commission under a contract for the provision of funded services;

(a) 1999 c.22.

(b) By virtue of the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), articles 4(1) and 9, Schedule 1 and Schedule 2 paragraph 11(1)(a).

(c) S.I. 2000/627: relevant amending instruments are S.I. 2000/1541, 2001/831 and 2996, and 2003/651 and 851.

“specialist immigration work” means work carried out by a member of the Legal Services Commission’s Immigration and Asylum Accreditation Scheme who is accredited to level 3 of that Scheme where—

- (a) immigration is authorised as a specific category of work in the schedule to the contract with the Commission under which it is provided; and
- (b) that work is within the category of immigration.”.

Signed by authority of the Secretary of State

Date 8th March 2004

David Lammy
Parliamentary Under Secretary of State,
Department for Constitutional Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Community Legal Service (Funding) Order 2000 (S.I. 2000/627) so that the maximum rate payable in respect of immigration work carried out by a member of the Legal Services Commission’s Immigration and Asylum Accreditation Scheme accredited to level 3 of that Scheme, where immigration is specifically authorised as a category of work under the contract with the Commission, is enhanced by 5%.

£3.00

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