

**2005 No. 591**

**LEGAL AID AND ADVICE, ENGLAND AND WALES**

**The Civil Legal Aid (General)(Amendment) Regulations 2005**

<i>Made</i> - - - -	<i>9th March 2005</i>
<i>Laid before Parliament</i>	<i>10th March 2005</i>
<i>Coming into force</i> - -	<i>1st April 2005</i>

The Secretary of State, in exercise of the powers conferred upon the Lord Chancellor by sections 16(6) and 34(1), (2)(f) and (8)(c) of the Legal Aid Act 1988(a) and now vested in him(b), hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These regulations may be cited as the Civil Legal Aid (General) (Amendment) Regulations 2005 and shall come into force on the 1st April 2005.

(2) In these Regulations, reference to a regulation by number alone means the regulation so numbered in the Civil Legal Aid (General) Regulations 1989(c).

**Amendments to the Civil Legal Aid (General) Regulations 1989**

2. In regulation 95(3)—

- (a) at the end of sub-paragraph (b), omit “; or”;
- (b) omit sub-paragraph (c) and the words following it.

3. After regulation 95(3) insert—

“(3ZA) The Legal Services Commission shall, as soon as it is possible to do so, register the charge under the Land Registration Act 2002, or, as appropriate, take equivalent steps (whether in England and Wales or in any other jurisdiction) to protect its interest in the property, and references to registration in regulations 96 to 98 shall be construed as references to registration or protection in accordance with this regulation.”.

4. In regulation 95(4) for “Land Registration Act 1925” substitute “Land Registration Act 2002”.

5. In regulation 99(4)—

- (a) for sub-paragraph (b) substitute—  
“(b) the applicable rate shall be—

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(a) 1988 c.34; see the definition of “regulations” in section 43. This Act is repealed by Part I of Schedule 15 to the Access to Justice Act (c.22), subject to immaterial exceptions, and to transitional provisions and savings contained in S.I. 2000/774 and S.I. 2001/916.  
(b) By virtue of the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), article 4(1) and Schedule 1.  
(c) S.I.1989/339. The relevant amending instruments are S.I. 1994/1822 and S.I. 2001/3735.

- (i) 8% per annum until 31st March 2002;
  - (ii) 5% per annum from 1st April 2002 until 30th September 2005;
  - (iii) 8% per annum from 1st October 2005;” and
- (b) omit sub-paragraphs (c) and (d).

9th March 2005

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

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Civil Legal Aid (General) Regulations 1989 (“the principal Regulations”).

Regulation 1 provides for citation, commencement and interpretation.

Regulations 2, 3 and 4 make minor amendments (in particular consequent upon repeal of the Land Registration Act 1925) to regulation 95 of the principal Regulations, which provides for enforcement of the statutory charge.

Regulation 5 amends regulation 99(4) of the principal Regulations, which prescribes the rate of interest payable by a client where the Commission postpones the enforcement of a statutory charge in its favour, to prescribe a fixed interest rate of 5% per annum (which has been the applicable rate since 1st April 2002 under regulation 99(4) as it applied before this amendment) for the period 1st April 2005 to 30th September 2005, and thereafter a fixed interest rate of 8% per annum from 1st October 2005.

These Regulations apply to transitional cases to which the principal Regulations continue to apply by virtue of the provisions in the Access to Justice Act 1999 (Commencement No.3, Transitional Provisions and Savings) Order 2000(a).

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(a) S.I. 2000/774.

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