

EXPLANATORY MEMORANDUM TO

The Community Legal Service (Funding) (Amendment) Order 2006

2006 No. [2366]

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty. This memorandum contains information for the Joint Committee on Statutory Instruments and the House of Lords Select Committee on the Merits of Statutory Instruments.

2. Description

2.1 This instrument amends the Community Legal Service (Funding) Order 2000 (S.I. 2000/1541) which relates to the remuneration of suppliers under the Community Legal Service and facilitates the operation by the Legal Services Commission of different payment schemes and structures within the Community Legal Service.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 This Order is made by the Lord Chancellor, in exercise of the powers conferred on him by sections 6(4) and 19 of the Access to Justice Act 1999.

4.2 The main effects of this instrument are as follows:

4.2.1 It reflects recent organisational changes to the role of Regional Directors in the LSC, which are also set out in the revised LSC Funding Code.

4.2.2 It facilitates the remuneration arrangements for the first pilot contracts for Community Legal Advice Centres (CLACs) and Community Legal Advice Networks (CLANs).

4.2.3 It changes the status of the housing possession court duty scheme pilot as this is no longer a pilot scheme and has been rolled out.

5. Extent

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

- 6.1 As the instrument is subject to negative resolution procedure and it does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 The policy background for the changes to the Regional Directors are set out in full in the Explanatory memorandum to the draft CLS (Funding) (Counsel in Family Proceedings) (Amendment) Order 2006 submitted for JCSI scrutiny with this draft instrument.

- 7.2 Community Legal Advice Centres (CLACs) and Community Legal Advice Networks (CLANs) are a key part of the five year strategy for the CLS set out in the LSC publication "Making Legal Rights a Reality." The strategy proposes a civil legal aid system which is more focussed on people in greatest need; more co-ordinated and cost effective; and more able to tackle the causes of legal problems.

- 7.3 CLACs and CLANs will be located in the most deprived communities where clients often need help on a range of social welfare problems. The Centres and Networks will deliver services tailored to local needs and provide people with access to a full range of services regardless of geographical location. They will both be jointly funded with other organisations such as Local Authorities and will provide advice and representation in community care, debt, employment, family, housing and welfare benefits, and any public law relating to these categories.

- 7.4 CLACs will typically be located in areas of concentrated population. Contracts for the Centres will be awarded to a single provider which will offer a readily identifiable CLS only access point within its catchment area, however, they may also operate through outreach sites or satellite offices.

- 7.5 CLANs will more likely cover semi-urban and rural areas. The members of a Network will remain as separate contractors and may deliver other services outside of the CLS, but they will sign up to a service specification and network agreement for the delivery of their CLS services. Networks will therefore operate from a number of sites and will be able to deliver a range of services collectively across the sites.

- 7.3 The Bar Council, Law Society and other professional bodies were consulted on the proposed changes set out in the revised Funding Code procedures and the draft instrument.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

- 9.1 Karen Finlay at the Department for Constitutional Affairs: (Tel - 020 7210 8745 E-Mail - Karen.Finlay@dca.gsi.gov.uk) can answer any queries regarding this instrument.