

2008 No. 658

**LEGAL SERVICES COMMISSION, ENGLAND AND
WALES**

**The Community Legal Service (Financial) (Amendment)
Regulations 2008**

<i>Made</i> - - - -	<i>7th March 2008</i>
<i>Laid before Parliament</i>	<i>11th March 2008</i>
<i>Coming into force</i> - -	<i>7th April 2008</i>

The Lord Chancellor(a), in exercise of the powers conferred by sections 7 and 10 of the Access to Justice Act 1999(b), makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Community Legal Service (Financial) (Amendment) Regulations 2008 and come into force on 7th April 2008.

2. In these Regulations—

- (a) a reference to a regulation by number alone is a reference to the regulation so numbered in the Community Legal Service (Financial) Regulations 2000(c); and
- (b) words and expressions used in these Regulations have the same meaning as in those Regulations.

Transitional provisions

3. These Regulations apply to applications made on or after 7th April 2008 and to further assessments under regulation 15 made on or after 7th April 2008; 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. For regulation 3(1)(ca), substitute—

“(ca) Family Help (Lower) applied for by—

- (i) a parent of a child, or a person with parental responsibility for a child within the meaning of the Children Act 1989(d) in respect of whom a Local

(a) The powers were conferred on the Lord Chancellor, transferred to the Secretary of State for Constitutional Affairs by the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), and transferred back to the Lord Chancellor by the Transfer of Functions (Lord Chancellor and Secretary of State) Order 2005 (S.I. 2005/3429).

(b) 1999 c. 22.

(c) SI 2000/516; relevant amending instruments are S.I. 2001/2997, 2001/3663, 2001/3929, 2002/709, 2002/1766, 2003/650, 2005/589, 2005/1097, 2005/1793, 2006/2363, 2007/906, 2007/1655, 2007/2442.

(d) 1989 c. 41.

Authority has given notice of potential proceedings under section 31 of that Act, or

(ii) in the case of an unborn child in respect of whom a Local Authority has given notice of potential proceedings under section 31 of the Children Act 1989, any person who, following the birth of the child—

(aa) will be the mother or father of the child, and

(bb) will have parental responsibility for the child within the meaning of the Children Act 1989.”

5. In regulation 5, in both places where it appears, for “£672” substitute “£698”.

6. In regulation 5A—

(a) in paragraph (4), for “£2,435” substitute “£2,530”;

(b) in paragraph (5), for “£205” substitute “£211”.

7. In regulation 6, after “application” insert “, or a further assessment under regulation 15,”.

8. After regulation 15(1) insert—

“(1A) Where—

(a) the person concerned was assessed as being eligible for legal services under regulation 4(2) or (3), and

(b) it appears to the assessing authority that the person concerned is no longer directly or indirectly in receipt of a benefit or support referred to in that regulation;

the assessing authority shall, subject to paragraph (6), make a further assessment of the person’s resources and contribution (if any) in accordance with these Regulations.”

9. In regulation 15(6), after “paragraph (1)”, insert “or (1A)”.

10. In regulation 35—

(a) in paragraph (1)(c) and the table, for “289” substitute “300”;

(b) in paragraph (1)(c), for “38(2)(a)” substitute “38(2)(b)”.

11. In regulation 38—

(a) in paragraph (2)(b), for “£289” substitute “£300”;

(b) in paragraph (2)(b)(i), for “£285 and £426” substitute “£296 and £443”;

(c) in paragraph (2)(b)(ii), for “£427 and £565” substitute “£444 and £587”.

12. In regulation 43, after paragraph (4A)(a), insert—

“(aa) will include disbursements;”.

Signed on the authority of the Lord Chancellor

7th March 2008

Hunt
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Community Legal Service (Financial) Regulations 2000 which govern the financial aspects of the provision of services funded by the Legal Services Commission in civil and family matters.

Regulation 4 extends the category of persons to whom certain services are available without reference to their financial resources to include expectant parents in certain circumstances.

Regulations 5, 6, 10 and 11 increase the financial eligibility limits for monthly and disposable income.

Regulations 7 to 9 enable the assessing authority to carry out a further assessment where it appears that the client is no longer in receipt of one of the benefits specified in regulation 4(2) and(3) of the Community Legal Service (Financial) Regulations 2000, and require clients to provide necessary information to the assessing authority for the purpose of the further assessment.

Regulation 12 amends the method of calculating the statutory charge in exceptional family help cases.

A full regulatory impact assessment has not been made for this instrument, as it has no significant impact on the costs of businesses, charities or voluntary bodies.

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