

2009 No. 2468

SUPREME COURT OF ENGLAND AND WALES

**The Constitutional Reform Act 2005 (Consequential
Amendments) Order 2009**

<i>Made</i>	- - - -	<i>8th September 2009</i>
<i>Laid before Parliament</i>		<i>9th September 2009</i>
<i>Coming into force</i>	- -	<i>1st October 2009</i>

The Lord Chancellor makes the following Order in exercise of the powers conferred by section 143(2)(ii) of the Constitutional Reform Act 2005(a):

Citation and commencement

1. This Order may be cited as The Constitutional Reform Act 2005 (Consequential Amendments) Order 2009 and comes into force on 1st October 2009.

Consequential amendments

2. The legislation listed in articles 3 to 11 is amended as provided for in those articles.

The Community Legal Service (Cost Protection) Regulations 2000

3. In regulation 5(3A)(a) of the Community Legal Service (Cost Protection) Regulations 2000(b) for “in relation to proceedings in the House of Lords, by the Clerk to the Parliaments” substitute “in relation to proceedings in the Supreme Court, by such officers as may be appointed by the President”.

The Community Legal Service (Costs) Regulations 2000

4. In regulation 10(10)(a) of the Community Legal Service (Costs) Regulations 2000(c) for “in relation to proceedings in the House of Lords, by the Clerk to the Parliaments” substitute “in relation to proceedings in the Supreme Court, by such officers as may be appointed by the President”.

The Community Legal Service (Financial) Regulations 2000

5. In regulation 40(4) of the Community Legal Service (Financial) Regulations 2000(d) for “the House of Lords” substitute “the Supreme Court”.

(a) 2005 c. 4. There are amendments but none is relevant.
(b) S.I. 2000/824. Paragraph (3A) was inserted by S.I. 2001/823.
(c) S.I. 2000/441, to which there are amendments not relevant to this Order.
(d) S.I. 2000/516, to which there are amendments not relevant to this Order.

The Community Legal Service (Funding) Order 2000

6.—(1) The Community Legal Service (Funding) Order 2000(a) (in so far as it continues to have effect by virtue of article 2(2) of the Community Legal Service (Funding) Order 2007(b)) is amended as follows.

(2) In article 2(1), in the definition of “immigration proceedings”, for “the House of Lords” substitute “the Supreme Court”.

The Criminal Defence Service (Recovery of Defence Costs Orders) Regulations 2001

7. In regulation 2 of the Criminal Defence Service (Recovery of Defence Costs Orders) Regulations 2001(c), in the definition of “appropriate officer”, for “the House of Lords” substitute “the Supreme Court”.

The Criminal Defence Service (General) (No.2) Regulations 2001

8.—(1) The Criminal Defence Service (General) (No.2) Regulations 2001(d) are amended as follows.

(2) In regulation 2, in the definition of “appropriate officer” for “the House of Lords” substitute “the Supreme Court”.

(3) In regulation 10—

- (a) in paragraph (1) for “the House of Lords” substitute “the Supreme Court”;
- (b) in paragraph (7) for “the House of Lords” substitute “the Supreme Court”.

(4) In regulation 13—

- (a) in the heading for “the House of Lords” substitute “the Supreme Court”;
- (b) in paragraph (1) for “the House of Lords” substitute “the Supreme Court”.

(5) In regulation 14—

- (a) in the heading for “the House of Lords” substitute “the Supreme Court”;
- (b) in paragraph (1) for “the House of Lords” substitute “the Supreme Court”;
- (c) in paragraph (8) for “the House of Lords” substitute “the Supreme Court”.

The Community Legal Service (Funding) (Counsel in Family Proceedings) Order 2001

9. In article 4(4)(c) of the Community Legal Service (Funding) (Counsel in Family Proceedings) Order 2001(e) for “the House of Lords” substitute “the Supreme Court”.

The Criminal Defence Service (Funding) Order 2007

10.—(1) The Criminal Defence Service (Funding) Order 2007(f) is amended as follows.

(2) In article 2(f), in both instances, for “the House of Lords” substitute “the Supreme Court”.

(3) In article 3(6) for “the House of Lords” substitute “the Supreme Court”.

(4) In article 4(3)(a) for “the House of Lords” substitute “the Supreme Court”.

(5) In article 9—

(a) S.I. 2000/627; revoked, except for savings, by S.I. 2007/2441.
(b) S.I. 2007/2441, to which there are amendments not relevant to this Order.
(c) S.I. 2001/856, to which there are amendments not relevant to this Order.
(d) S.I. 2001/1437, the definition of “appropriate officer” was amended by S.I. 2006/2490 and S.I. 2002/712. Regulation 10(1) amended by S.I. 2002/712. Paragraph 13(1)(c) was amended by S.I. 2002/712. In regulation 14, paragraph (1A) was revoked by S.I. 2009/1853 and substituted with paragraph (1), as originally enacted, by S.I. 2007/2936. There are further amendments but none is relevant.
(e) S.I. 2001/1077, to which there are amendments not relevant to this Order.
(f) S.I. 2007/1174, to which there are amendments not relevant to this Order.

- (a) in the heading for “the House of Lords” substitute “the Supreme Court”;
- (b) in paragraph (1), in both instances, for “the House of Lords” substitute “the Supreme Court”;
- (c) in paragraph (2) for “the House of Lords” substitute “the Supreme Court”.

The Community Legal Service (Funding) Order 2007

11.—(1) The Community Legal Service (Funding) Order 2007(a) is amended as follows.

(2) In article 3(1), in the definition of “Higher Courts”, for “the House of Lords” substitute “the Supreme Court”.

(3) In article 5(2)(b)(i) for “the House of Lords” substitute “the Supreme Court”.

8th September 2009

Bach
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes consequential amendments to subordinate legislation concerning the provision of legal aid, replacing references to the House of Lords with references to the Supreme Court. The Order is made under section 143 of the Constitutional Reform Act 2005 (c. 4). The Constitutional Reform Act 2005 abolishes the appellate jurisdiction of the House of Lords and creates the Supreme Court of the United Kingdom. An impact assessment has not been prepared for this Order; a regulatory impact assessment was prepared for the Constitutional Reform Act 2005 in relation to the Supreme Court and is available on the Ministry of Justice website using the following link: <http://www.dca.gov.uk/risk/constrefria.htm>

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(a) S.I. 2007/2441, the definition of “Higher Courts” was inserted by S.I. 2008/2704; there are no other relevant amendments.

STATUTORY INSTRUMENTS

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£4.00