

**2010 No. 818**

**LEGAL SERVICES COMMISSION, ENGLAND AND  
WALES**

**The Community Legal Service (Financial) (Amendment No. 2)  
Regulations 2010**

<i>Made</i> - - - -	<i>16th March 2010</i>
<i>Laid before Parliament</i>	<i>17th March 2010</i>
<i>Coming into force</i> - -	<i>18th March 2010</i>

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by sections 7, 10 and 26 of the Access to Justice Act 1999(a).

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Community Legal Service (Financial) (Amendment No. 2) Regulations 2010 and come into force on 18th March 2010.

(2) These Regulations apply to applications to receive funded services made on or after 18th March 2010.

**Amendments to the Community Legal Service (Financial) Regulations 2000**

2. The Community Legal Service (Financial) Regulations 2000(b) are amended as follows.

3. For regulation 5C substitute—

**“Waiver of eligibility limits in inquests**

**5C.—**(1) Where—

- (a) an application is made for the funding of services in relation to an inquest into the death of a member of the immediate family of the client; and
- (b) the application falls within the scope of the Lord Chancellor’s Authorisation,

the Commission may, if it considers it equitable to do so, disapply the eligibility limits in regulations 5 and 5A in respect of the application.

(2) Where—

- (a) an application is made for the funding of services in relation to an inquest; and
- (b) the application falls outside the scope of the Lord Chancellor’s Authorisation,

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(a) 1999 c. 22. Section 26 defines “regulations” as regulations made by the Lord Chancellor. The reference in that definition to the Lord Chancellor was changed to the Secretary of State by S.I. 2003/1887 and changed back to the Lord Chancellor by S.I. 2005/3429.

(b) S.I. 2000/516. Relevant amending instruments are S.I. 2001/3663, 2003/2838, 2005/1793, 2006/2363 and 2007/906.

the Commission may, if it considers it equitable to do so, request the Lord Chancellor to disapply the eligibility limits in regulations 5 and 5A in respect of the application.

(3) In considering whether to disapply those eligibility limits or to request the Lord Chancellor to do so, the Commission shall have regard in particular to any applicable rights under Article 2 of the Human Rights Convention.

(4) On receipt of a request under paragraph (2) the Lord Chancellor may, if he considers it equitable to do so, disapply the eligibility limits in regulations 5 and 5A in respect of the application.

(5) In paragraph (3) “the Human Rights Convention” has the meaning given to “the Convention” by section 21(1) of the Human Rights Act 1998(a).”.

4. In regulation 38(10) omit “into the death of a member of the immediate family of the client”.

Signed by authority of the Lord Chancellor

*Bach*  
Parliamentary Under Secretary of State  
Ministry of Justice

16th March 2010

### 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. Regulations 5C and 38 of the 2000 Regulations include provision for the Lord Chancellor to waive the requirements for an applicant for funded services to be financially eligible and to make a contribution towards the cost of those services, where the services relate to an inquest into the death of a member of the applicant’s immediate family. These Regulations extend that power of waiver to all applications for funding in relation to inquests.

An impact assessment has not been prepared for this instrument as no impact on business or the private or voluntary sector is foreseen.

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(a) 1998 c. 42.

£4.00