STATUTORY INSTRUMENTS

2006 No. 713

LEGAL SERVICES COMMISSION, ENGLAND AND WALES

The Community Legal Service (Financial) (Amendment) Regulations 2006

Made - - - -	9th March *2006*
Laid before Parliament	16th March *2006*
Coming into force - -	*10th April 2006*

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

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Community Legal Service (Financial) (Amendment) Regulations 2006 and come into force on 10th April 2006.

(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 the Community Legal Service (Financial) Regulations 2000.

Transitional Provisions

2. These Regulations apply to applications for funded services, and further assessments under regulation 15, made on or after 10th April 2006, and 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

3. In regulation 2—

(a) after the definition of "assessing authority" insert—

""asylum claim" means a claim that it would be contrary to the United Kingdom's obligations under the Convention relating to the Status of Refugees done at Geneva on 28th July 1951 and the protocol to the Convention or to Article 3 of the Convention for the

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

(**b**) 1999 c.22. Section 26 defines "regulations" as regulations made by the Lord Chancellor.

(**c**) S.I.2000/516; amended by S.I.2001/2997, S.I.2001/3663, S.I.2002/709, S.I.2002/1766, S.I.2003/650, S.I.2003/762, S.I.2003/2838, S.I.2004/2899, S.I.2005/589.

Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950, for the claimant to be removed from or required to leave the United Kingdom;";

(b) after the definition of "funded services" insert—

""the Independent Living Funds" means the Independent Living Fund, the Independent Living (Extension) Fund and the Independent Living (1993) Fund;

"the Independent Living Fund" means the charitable trust established out of funds provided by the Secretary of State for the purpose of providing financial assistance to those persons incapacitated by or otherwise suffering from very severe disablement who are in need of such assistance to enable them to live independently;

"the Independent Living (Extension) Fund" means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;

"the Independent Living (1993) Fund" means the Trust of that name established by a deed dated 25th February 1993 and made between the Secretary of State for Social Security of the one part and Robin Glover Wendt and John Fletcher Shepherd of the other part;".

4. In regulation 4, after paragraph (2) add—

"(3)Where the assessing authority is satisfied that the client is in receipt, directly or indirectly, of support provided under section 95 of the Immigration and Asylum Act 1999, he shall be eligible for Legal Help, Help at Court and Legal Representation before—

(a) the Asylum and Immigration Tribunal; and

(b) the High Court in respect of an application under section 103A of the Nationality, Immigration and Asylum Act 2002,

without making (where applicable) any contributions.".

5. In regulation 5—

(a) for "£632" in each place where it appears, substitute "£649";

(b) in paragraph (2) after "does not exceed £3,000" add—

", except in cases to which paragraph (2A) applies.";

(c) after paragraph (2) add—

"(2A) A client is eligible for Legal Representation in respect of an asylum claim before—

(a) the Asylum and Immigration Tribunal; and

(b) the High Court in respect of an application under section 103A of the Nationality, Immigration and Asylum Act 2002,

if his monthly disposable income does not exceed £649 and his disposable capital does not exceed £8,000.".

6. In regulation 5A, for "£2,288" substitute "£2,350".

7. In regulation 19, after paragraph (g) add—

"(h) any payment made out of the Independent Living Funds.".

8. In regulation 33, after paragraph (b) add—

"(c) the whole of any payment made out of the Independent Living Funds.".

9. In regulation 35, in paragraph (1)(c) and the table, for "£272" substitute "£279".

10. In regulation 38, for paragraph (2)(a) substitute—

"(a) where his monthly disposable income exceeds £279—

(i) one quarter of any such income between £275 and £411 inclusive;

(ii) one third of any such income between £412 and £545 inclusive; and

(iii) one half of his remaining disposable income; and".

Signed by authority of the Lord Chancellor

Bridget Prentice
Parliamentary Under Secretary of State
Department for Constitutional Affairs

9th March 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Community Legal Service (Financial) Regulations 2000 ("the 2000 Regulations").

The 2000 Regulations govern the financial aspects of the provision of services funded by the Legal Services Commission in civil matters. They make provision for the assessment of the financial resources of the person concerned in order to determine eligibility to receive funded services and to assess any contribution to be made.

These Regulations increase the financial eligibility limits for monthly and disposable income and make provision for persons in receipt of specified benefits to be taken as automatically satisfying the financial eligibility requirements under the 2000 Regulations.

These Regulations also increase the capital limit for asylum claims as defined in these Regulations.

£3.00

© Crown copyright 2006

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0400 3/2006 160400T 19585