STATUTORY INSTRUMENTS

2009 No. 502

LEGAL SERVICES COMMISSION, ENGLAND AND WALES

The Community Legal Service (Financial) (Amendment) Regulations 2009

Made - - - -	*5th March 2009*
Laid before Parliament	*9th March 2009*
Coming into force in accordance with regulation 1	

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 2009 and come into force—

(a) as to regulations 1, 2, 4 and 5, on 1st April 2009;

(b) as to regulations 3 and 6 to 10, on 6th April 2009.

2. Words and expressions used in these Regulations have the same meaning as in the Community Legal Service (Financial) Regulations 2000(**c**).

Transitional provisions

3. Regulations 6, 7, 9 and 10 of these Regulations apply to applications made on or after 6th April 2009 and to further assessments under regulation 15 of the Community Legal Service (Financial) Regulations 2000 made on or after 6th April 2009; 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. The Community Legal Service (Financial) Regulations 2000 are amended as follows.

5. In regulation 3, after paragraph (1)(e) insert—

"(ea) Legal Representation of a person in respect of whom an authorisation has been made under paragraph 2 of Schedule A1 to the Mental Capacity Act 2005(**d**), or of

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

(**b**) 1999 c. 22.

(**c**) S.I. 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, 2008/658 and 2008/2703.

(**d**) 2005 c. 9; section 21A and Schedule A1 were inserted by section 50 of and Schedules 7 and 9 to the Mental Health Act 2007 (c. 12).

a representative of that person appointed as such in accordance with Part 10 of that Schedule, in proceedings in the Court of Protection under section 21A of that Act;" .

6. In regulation 5, in both places where it appears, for "£698" substitute "£733".

7. In regulation 5A—

(a) in paragraph (4), for "£2,530" substitute "£2,657";

(b) in paragraph (5), for "£211" substitute "£222".

8. In regulation 20—

(a) in paragraph (2)(a), for "paragraph 1(3)(c)" substitute "item (3)(d) of the table in paragraph 1";

(b) in paragraph (2)(a), for "paragraph 1(1)(e)" substitute "item (1)(e) of the table in paragraph 1";

(c) in paragraph (2)(b), in each place where it appears, for "paragraph 2(1)" substitute "the table in paragraph 2".

9. In regulation 35, in paragraph (1)(c) and the table, for "300" substitute "315".

10. In regulation 38—

(a) in paragraph (2)(b), for "£300" substitute "£315";

(b) in paragraph (2)(b)(i), for "£296 and £443" substitute "£311 and £465";

(c) in paragraph (2)(b)(ii), for "£444 and £587" substitute "£466 and £616".

Signed on the authority of the Lord Chancellor

Bach
Parliamentary Under Secretary of State
Ministry of Justice

5th March 2009

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 5 provides that legal representation in the Court of Protection in cases involving the deprivation of a person's liberty under Schedule A1 to the Mental Capacity Act 2005 is to be provided irrespective of the financial resources of the client or the client's representative. Regulations 6, 7, 9 and 10 increase the financial eligibility limits for monthly and disposable income. Regulation 8 makes minor corrections.

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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£4.00

E3878 3/2009 193878T 19585