

2003 No. 2838

**LEGAL SERVICES COMMISSION, ENGLAND
AND WALES**

**The Community Legal Service (Financial)
(Amendment No. 2) Regulations 2003**

Made - - - - - 6th November 2003

Laid before Parliament 10th November 2003

Coming into force - - 1st December 2003

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

Citation and commencement

1. These Regulations may be cited as the Community Legal Service (Financial) (Amendment No. 2) Regulations 2003 and shall come into force on 1st December 2003.

Interpretation

2. In these Regulations a reference to a regulation by number alone means the regulation so numbered in the Community Legal Service (Financial) Regulations 2000^(c).

Amendments to the Community Legal Service (Financial) Regulations 2000

3. After regulation 5B (Waiver of eligibility limit in Multi-Party Actions of wider public interest), insert—

“Waiver of eligibility limit in certain inquests

5C.—(1) This regulation applies to an application for the funding of legal representation to provide advocacy at an inquest into the death of a member of the immediate family of the client.

(2) Where this regulation applies, the Commission may, if it considers it equitable to do so, request the Secretary of State to disapply the eligibility limits in regulations 5(6) and 5A.

(3) In considering whether to make such a request, the Commission shall have regard in particular to any applicable Convention rights under Article 2 of Schedule 1 to the Human Rights Act 1998^(d).

(4) On receipt of a request under paragraph (2) the Secretary of State may, if he thinks fit, disapply the eligibility limits.”.

^(a) 1999 c. 22.

^(b) by virtue of the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887), articles 4(1) and 9, Schedule 1, and Schedule 2, paragraph 11(1)(a).

^(c) S.I. 2000/516. There are relevant amendments in S.I. 2001/3663 and 2003/650.

^(d) 1998 c. 42.

4. In regulation 38, after paragraph (8), insert—

“(8A) Paragraph (9) also applies where the eligibility limits have been disapplied under regulation 5C.”.

Signed by authority of the Secretary of State

6th November 2003

David Lammy
Parliamentary Under Secretary of State,
Department for Constitutional Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Community Legal Service (Financial) Regulations 2000 (S.I. 2000/516) so as to confer the power upon the Legal Services Commission to request the Secretary of State to disapply the financial limits for eligibility and contribution in relation to an application for the funding of legal representation to provide advocacy at an inquest into the death of a member of the immediate family of the client.

£1.50

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under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E1518 11/2003 131518 19585

ISBN 0-11-048181-X



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