

2008 No. 2703

**LEGAL SERVICES COMMISSION, ENGLAND AND
WALES**

**The Community Legal Service (Financial) (Amendment No. 2)
Regulations 2008**

<i>Made</i> - - - -	<i>13th October 2008</i>
<i>Laid before Parliament</i>	<i>15th October 2008</i>
<i>Coming into force</i> - -	<i>3rd November 2008</i>

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

Citation and commencement

1. These Regulations may be cited as the Community Legal Service (Financial) (Amendment No. 2) Regulations 2008.
2. These Regulations come into force on 3rd November 2008.

Amendments to the Community Legal Service (Financial) Regulations 2000

3. The Community Legal Service (Financial) Regulations 2000(c) are amended as follows.
4. For regulation 3(1)(e), substitute—

“(e) Legal Help in potential proceedings, or Legal Representation in proceedings or potential proceedings, under the Mental Health Act 1983(d) or paragraph 5(2) of the Schedule to the Repatriation of Prisoners Act 1984(e), where the client’s case or application is, or is to be, the subject of proceedings before the First-tier Tribunal or the Mental Health Review Tribunal for Wales;”.

Signed on the authority of the Lord Chancellor

13th October 2008

Bach
Parliamentary Under Secretary of State
Ministry of Justice

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

(b) 1999 c. 22.

(c) S.I. 2000/627.

(d) 1983 c. 20.

(e) 1984 c. 47.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Community Legal Service (Financial) Regulations 2000 (S.I. 2000/627) which govern the financial aspects of the provision of services funded by the Legal Services Commission in civil and family matters.

These Regulations make a consequential amendment arising from the Tribunals, Courts and Enforcement Act 2007 (c. 15), which replaces certain individual Tribunals, including the Mental Health Review Tribunal, with a new First-tier and Upper Tribunal. The 2000 Regulations contain a reference to the Mental Health Review Tribunal, which will cease to exist under the Act. These Regulations replace this reference with a reference to the First-tier Tribunal established under the Tribunals, Courts and Enforcement Act 2007, and the Mental Health Review Tribunal for Wales, which is not part of the new Tribunals system.

A full impact assessment has not been produced for this instrument, as no impact on the private or voluntary sectors is foreseen.

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