



Financial Services and Markets Act 2000

2000 CHAPTER 8

PART IX

HEARINGS AND APPEALS

Legal assistance before the Tribunal

134 Legal assistance scheme.

- (1) The Lord Chancellor may by regulations establish a scheme governing the provision of legal assistance in connection with proceedings before the Tribunal.
- (2) If the Lord Chancellor establishes a scheme under subsection (1), it must provide that a person is eligible for assistance only if—
 - (a) he falls within subsection (3); and
 - (b) he fulfils such other criteria (if any) as may be prescribed as a result of section 135(1)(d).
- (3) A person falls within this subsection if he is an individual who has referred a matter to the Tribunal under section 127(4).
- (4) In this Part of this Act “the legal assistance scheme” means any scheme in force under subsection (1).

135 Provisions of the legal assistance scheme.

- (1) The legal assistance scheme may, in particular, make provision as to—
 - (a) the kinds of legal assistance that may be provided;
 - (b) the persons by whom legal assistance may be provided;
 - (c) the manner in which applications for legal assistance are to be made;
 - (d) the criteria on which eligibility for legal assistance is to be determined;
 - (e) the persons or bodies by whom applications are to be determined;
 - (f) appeals against refusals of applications;

Status: Point in time view as at 01/12/2004.

Changes to legislation: Financial Services and Markets Act 2000, Cross Heading: Legal assistance before the Tribunal is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (g) the revocation or variation of decisions;
 - (h) its administration and the enforcement of its provisions.
- (2) Legal assistance under the legal assistance scheme may be provided subject to conditions or restrictions, including conditions as to the making of contributions by the person to whom it is provided.

136 Funding of the legal assistance scheme.

- (1) The Authority must pay to the Lord Chancellor such sums at such times as he may, from time to time, determine in respect of the anticipated or actual cost of legal assistance provided in connection with proceedings before the Tribunal under the legal assistance scheme.
- (2) In order to enable it to pay any sum which it is obliged to pay under subsection (1), the Authority must make rules requiring the payment to it by authorised persons or any class of authorised person of specified amounts or amounts calculated in a specified way.
- (3) Sums received by the Lord Chancellor under subsection (1) must be paid into the Consolidated Fund.
- (4) The Lord Chancellor must, out of money provided by Parliament fund the cost of legal assistance provided in connection with proceedings before the Tribunal under the legal assistance scheme.
- (5) Subsection (6) applies if, as respects a period determined by the Lord Chancellor, the amount paid to him under subsection (1) as respects that period exceeds the amount he has expended in that period under subsection (4).
- (6) The Lord Chancellor must—
 - (a) repay, out of money provided by Parliament, the excess to the Authority; or
 - (b) take the excess into account on the next occasion on which he makes a determination under subsection (1).
- (7) The Authority must make provision for any sum repaid to it under subsection (6)(a)—
 - (a) to be distributed among—
 - (i) the authorised persons on whom a levy was imposed in the period in question as a result of rules made under subsection (2); or
 - (ii) such of those persons as it may determine;
 - (b) to be applied in order to reduce any amounts which those persons, or such of them as it may determine, are or will be liable to pay to the Authority, whether under rules made under subsection (2) or otherwise; or
 - (c) to be partly so distributed and partly so applied.
- (8) If the Authority considers that it is not practicable to deal with any part of a sum repaid to it under subsection (6)(a) in accordance with provision made by it as a result of subsection (7), it may, with the consent the Lord Chancellor, apply or dispose of that part of that sum in such manner as it considers appropriate.
- (9) “Specified” means specified in the rules.

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Commencement Information

- II** S. 136 wholly in force at 3.9.2001; s. 136 not in force at Royal Assent see s. 431(2); s. 136 in force for specified purposes at 18.6.2001 by [S.I. 2001/1820](#), [art. 2](#), [Sch.](#); s. 136 in force in so far as not already in force at 3.9.2001 by [S.I. 2001/2632](#), [art. 2\(2\)](#), [Sch. Pt. 2](#)

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