
STATUTORY INSTRUMENTS

1993 No. 1840

ECCLESIASTICAL LAW, ENGLAND

Church of England (Legal Aid) Rules 1993

*Made (Approved by the
General Synod) - - 9th July 1993*
Laid before Parliament 22nd July 1993
Coming into force - - 1st September 1993

In exercise of the powers conferred on it by section 4 of the Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988⁽¹⁾ the Standing Committee of the General Synod of the Church of England hereby makes the following Rules:

1.—(1) These Rules may be cited as the Church of England (Legal Aid) Rules 1993 and shall come into force on the first day of September 1993.

(2) In these Rules a rule referred to by number means the rule so numbered in the Church of England (Legal Aid) Rules 1988⁽²⁾, unless the context otherwise requires.

(3) The Interpretation Measure 1925⁽³⁾ and the Interpretation Act 1978⁽⁴⁾ shall apply for the interpretation of these Rules as they apply for the interpretation of Measures passed by the General Synod.

2. Nothing in these Rules shall affect any application for legal aid made under the Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988 before the coming into force of these Rules, and any such application shall be dealt with and determined as if these Rules had not been made.

3. In rule 11 paragraph (2) (and rule 3 of the Church of England (Legal Aid) Rules 1990⁽⁵⁾ which amends that paragraph) are hereby revoked.

4. In rule 25 for paragraph (1) there shall be substituted the following paragraph—

“(1) Any taxation of costs under these Rules may be carried out in such manner as the Commission consider appropriate.”.

5. In rule 26—

(a) in paragraph (1)—

(1) 1988 No. 1.
(2) S.I.1988/1175.
(3) 1925 No. 1
(4) 1978 c. 30.
(5) S.I. 1990/1438.

- (i) for the words “This rule” shall be substituted the words “Paragraph (2)”;
 - (ii) for the figure “£500” there shall be substituted the figure “£1000”;
 - (b) in paragraph (2) for the word “rule” there shall be substituted the word “paragraph”;
 - (c) after paragraph (3) there shall be inserted the following paragraph–
 - “(3A) Where no such application has been made and the Commission are satisfied that–
 - (a) there are special circumstances rendering it desirable to assess the amount of those costs without a taxation; and
 - (b) to do so would not be against the interests of the assisted person;
- the Commission may assess the amount of those costs without a taxation.”.

Dated this twenty-fifth day of May 1993

P.J.C. Mawer
Secretary-General

On behalf of the Standing Committee of the General Synod

Approved by the General Synod the ninth day of
July 1993

P.J.C. Mawer
Secretary-General

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the existing rules governing the grant of legal aid under the Church of England (Legal Aid and Miscellaneous Provisions) Measure 1988 and the taxation and assessment of costs in cases where legal aid has been granted under that Measure. In particular, they revoke the provisions exempting applicants for legal aid in cases under the [Ecclesiastical Jurisdiction Measure 1963 \(1963 No. 1\)](#) from the need to show that they have reasonable grounds for taking, defending or being a party to the proceedings in question; the Rules also give the Legal Aid Commission power to carry out taxations of costs in such manner as they consider appropriate, and extend the circumstances in which costs may be assessed instead of being taxed.