
STATUTORY INSTRUMENTS

2000 No. 516

The Community Legal Service (Financial) Regulations 2000

PART III—

THE STATUTORY CHARGE

Exemptions from the statutory charge

- 44.**—(1) The charge created by section 10(7) of the Act shall not apply to any of the following:
- (a) any periodical payment of maintenance;
 - (b) other than in circumstances which are exceptional having regard in particular to the quantity or value of the items concerned, the client's clothes or household furniture or the tools or implements of his trade;
 - (c) any sum or sums ordered to be paid under section 5 of the Inheritance (Provision for Family and Dependants) Act 1975 or Part IV of the Family Law Act 1996;
 - (d) the first £2,500 of any money or the value of any property recovered by virtue of an order made or deemed to be made under any of the enactments specified in paragraph (2), or an agreement which has the same effect as such an order;
 - (e) one-half of any redundancy payment within the meaning of Part XI of the Employment Rights Act 1996⁽¹⁾ recovered by the client;
 - (f) any payment of money made in accordance with an order made by the Employment Appeal Tribunal (excluding an order for costs);
 - (g) where the statutory charge is in favour of the supplier, the client's main or only dwelling; or
 - (h) any sum, payment or benefit which, by virtue of any provision of or made under an Act of Parliament, cannot be assigned or charged.
- (2) The enactments referred to in paragraph (1)(d) are:
- (a) section 23(1)(c) or (f), 23(2), 24, 27(6)(c) or (f), 31(7A) or (7B), or 35 of the Matrimonial Causes Act 1973⁽²⁾;
 - (b) section 2 or 6 of the Inheritance (Provision for Family and Dependants) Act 1975⁽³⁾;
 - (c) section 17 of the Married Women's Property Act 1882⁽⁴⁾;
 - (d) section 2(1)(b) or (d), 6(1) or (5), or 20(2) of the Domestic Proceedings and Magistrates' Courts Act 1978⁽⁵⁾; and

(1) 1996 c. 18; amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 11(3) and Schedule 2.

(2) 1973 c. 18.

(3) 1975 c. 63.

(4) 1882 c. 75; amended by the Statute Law (Repeals) Act 1969 (c. 52), Schedule, Part III and the Matrimonial and Family Proceedings Act 1984 (c. 42), section 43.

(5) 1978 c. 22; amended by the Matrimonial and Family Proceedings Act 1984 (c. 42), section 10.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(e) Schedule 1 to the Children Act 1989⁽⁶⁾;

(4) In paragraph (1)(a), “maintenance” means money or money’s worth paid towards the support of a former partner, child or any other person for whose support the payer has previously been responsible or has made payments.

⁽⁶⁾ 1989 c. 41; amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 16 paragraph 10(2); the Maintenance Enforcement Act 1991 (c. 17), section 6; the Child Support Act 1991 (c. 48), section 58(14); the Justices of the Peace Act 1997 (c. 25), Schedule 5 paragraph 27; S.I. 1993/623; and 1994/731.