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STATUTORY INSTRUMENTS

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**2000 No. 774**

**The Access to Justice Act 1999 (Commencement  
No. 3, Transitional Provisions and Savings) Order 2000**

**Advice and assistance**

**11.**—(1) Subject to paragraph (2), the Commission may refuse an application to exceed the financial limit on the prospective costs of advice or assistance under section 10(1) of the 1998 Act, if it considers that:

- (a) the provision of funded services would be more appropriate; or
- (b) any application for funded services would be refused.

(2) Paragraph (1) does not apply to applications for advice and assistance relating to actual or contemplated criminal investigations or proceedings.

(3) Subject to the provisions of any contract, all claims for payment in respect of advice and assistance mentioned in article 5(1)(d) and (e) shall be submitted so as to be received by the Commission by whichever is the later of five months after the completion of the work for which payment is claimed and:

- (a) in relation to any claim other than for personal injury or clinical negligence, 30th June 2000; and
- (b) in relation to any claim for personal injury or clinical negligence, 30th September 2000.

(4) Subject to paragraph (5), the Commission may refuse claims for payment mentioned in paragraph (3) which are received late without good reason.

(5) No claim for payment shall be refused unless the solicitor has been given a reasonable opportunity to show why it should not be refused.