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STATUTORY INSTRUMENTS

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**2001 No. 822**

**LEGAL SERVICES COMMISSION,  
ENGLAND AND WALES**

**The Community Legal Service (Costs)  
(Amendment) Regulations 2001**

<i>Made</i>	- - - -	<i>1st March 2001</i>
<i>Laid before Parliament</i>		<i>9th March 2001</i>
<i>Coming into force</i>	- -	<i>2nd April 2001</i>

The Lord Chancellor, in exercise of the powers conferred upon him by sections 11(3), (4)(a), (c) and (g) and section 22(5) of the Access to Justice Act 1999<sup>(1)</sup>, makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Community Legal Service (Costs) (Amendment) Regulations 2001 and shall come into force on 2nd April 2001.

(2) In these Regulations a reference to a regulation by number alone means the regulation so numbered in the Community Legal Service (Costs) Regulations 2000<sup>(2)</sup>.

**Amendments to the Community Legal Service (Costs) Regulations 2000**

2. In regulation 9(1), for “Where the court makes” there shall be substituted “Where the court is considering whether to make”.

3. In regulation 9(2)(b) and 9(3)(b) the words “section 11(1)” shall be deleted.

4. After regulation 10 there shall be inserted—

“**10A.**—(1) Subject to paragraph (2), where the court makes a section 11(1) costs order but does not specify the amount which the client is to pay under it, the court may order the client to pay an amount on account of the costs which are the subject of the order.

(2) The court may order a client to make a payment on account of costs under this regulation only if it has sufficient information before it to decide the minimum amount which the client is likely to be ordered to pay on a determination under regulation 10.

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(1) 1999 c. 22.  
(2) S.I. 2000/441.

- (3) The amount of the payment on account of costs shall not exceed the minimum amount which the court decides that the client is likely to be ordered to pay on such a determination.
- (4) Where the court orders a client to make a payment on account of costs—
- (a) it shall order the client to make the payment into court; and
  - (b) the payment shall remain in court unless and until the court—
    - (i) makes a determination under regulation 10 of the amount which the client should pay to the receiving party under the section 11(1) costs order, and orders the payment on account or part of it to be paid to the receiving party in satisfaction or part satisfaction of the client’s liability under that order; or
    - (ii) makes an order under paragraph (5)(b) or (5)(c) of this regulation that the payment on account or part of it be repaid to the client.
- (5) Where a client has made a payment on account of costs pursuant to an order under paragraph (1) of this regulation—
- (a) the receiving party shall request a hearing under regulation 10 to determine the amount of costs payable to him;
  - (b) if the receiving party fails to request such a hearing within the time permitted by regulation 10(2), the payment on account shall be repaid to the client;
  - (c) if upon the hearing under regulation 10 the amount of costs which it is determined that the client should pay is less than the amount of the payment on account, the difference shall be repaid to the client.”

Signed by the authority of the Lord Chancellor

1st March 2001

*David Lock*  
Parliamentary Secretary  
Lord Chancellor’s Department

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make changes to Part II of the Community Legal Service (Costs) Regulations 2000 (S.I.2000/441), which contains provisions about costs orders against parties funded by the Legal Services Commission and costs orders against the Commission.

Amendments are made to clarify the effect of regulation 9, which deals with the procedure for quantifying a costs order against a funded party, and new provisions are inserted which enable the court to order a funded party to pay an amount on account of costs, before the court has finally determined the amount of costs which he should have to pay.