

**2001 No. 831**

**LEGAL SERVICES COMMISSION, ENGLAND AND WALES**

**The Community Legal Service (Funding) (Amendment) Order 2001**

<i>Made</i> - - - -	<i>8th 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 section 6(4) of the Access to Justice Act 1999<sup>(a)</sup>, having had regard to the matters specified in section 25(3) of that Act and having consulted the General Council of the Bar and the Law Society, makes the following Order:

**Citation, commencement and interpretation**

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

(2) In this Order, any reference to an article by number alone is a reference to the article so numbered in the Community Legal Service (Funding) Order 2000<sup>(b)</sup>.

**Transitional provision**

2. This Order shall apply to work carried out on or after 2nd April 2001 and in relation to work carried out before that date the Community Legal Service (Funding) Order 2000 shall have effect as if this Order had not been made.

**Amendments to Community Legal Service (Funding) Order 2000**

3. In article 2(1), the following definition shall be inserted after the definition of “the Act”—

“assessing authority” means, where remuneration is payable by the Commission under a contract, the authority to which it falls at any time to assess that remuneration (including assessing by way of appeal), and shall include a Regional Director of the Commission, or the Commission’s Costs Committee or Cost Appeals Committee, or the court;”.

4.—(1) In article 5(3) for “and (3B)” there shall be substituted “to (3C)”.

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<sup>(a)</sup> 1999 c. 22.

<sup>(b)</sup> S.I. 2000/627; amended by S.I. 2000/1541.

- (2) In article 5(3A)—
- (a) for “(3B)” there shall be substituted “(3B)(a)”; and
  - (b) for the words from “rates no higher than” to the end of that paragraph there shall be substituted “rates no higher than those set out in Part I of the Schedule.”.
- (3) After article 5(3A) there shall be inserted—
- “(3AA) In relation to Legal Help and Help at Court within any category of work mentioned in paragraph (3B)(b) which is authorised as a specific category in the schedule to the contract with the Commission under which it is provided, payment shall be at rates no higher than those set out in Part II of the Schedule.”.
- (4) For article 5(3B) there shall be substituted—
- “(3B) The categories of work mentioned—
- (a) in paragraph (3A) are: immigration, mental health, education, public law, actions against the police etc and community care; and
  - (b) in paragraph (3AA) are: family, housing and employment.
- (3C) In relation to any Legal Help and Help at Court provided in accordance with a contract with the Commission to which neither paragraph (3A) nor (3AA) applies, payment shall be at rates no higher than those set out in Part III of the Schedule.”
- (5) For article 5(4) there shall be substituted—
- “(4) In relation to Help with Mediation payment shall be at rates no higher than those set out in Part IV of the Schedule.
- (4A) In relation to Legal Representation before a Mental Health Review Tribunal or, subject to paragraph (4B), before the Immigration Appeal Tribunal or an adjudicator appointed under section 57 of the Immigration and Asylum Act 1999(a) payment shall be at rates no higher than those set out in Part V of the Schedule.
- (4B) Paragraph (4A) shall not apply where the assessing authority considers that a case before the Immigration Appeal Tribunal or an adjudicator appointed under section 57 of the Immigration and Asylum Act 1999 either—
- (a) raises an exceptionally novel or complex point of law; or
  - (b) has significant potential to produce real benefits for individuals other than the client (other than benefits to the public at large which normally flow from proceedings of the type in question).”.
- (6) In article 5(6), for “paragraph (4)” there shall be substituted “paragraph (4A), or where paragraph (4A) does not apply by virtue of paragraph (4B), or the Legal Representation referred to in paragraph (7).”.
- (7) After article 5(6) there shall be inserted—
- “(7) Paragraph (6) shall not apply to Legal Representation before—
- (a) Special Commissioners of Income Tax or General Commissioners of Income Tax;
  - (b) a VAT and duties tribunal constituted by Schedule 12 to the Value Added Tax Act 1994(b); or
  - (c) the tribunal constituted by section 9 of the Protection of Children Act 1999(c).”.
- (8) Where any item in the Schedule is applicable to a fee-earner, the figure to be applied shall be—
- (a) the figure in the column headed “London Region” if that fee-earner’s office is situated in the Commission’s London Region;
  - (b) otherwise, the figure in the column headed “Outside Region.”.

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(a) 1999 c. 33.  
(b) 1994 c. 23.  
(c) 1999 c. 14.

5. After article 7 there shall be inserted:

## “SCHEDULE

### PART I

Legal Help and Help at Court—immigration, mental health, actions against the police etc, public law, education and community care

	London Region	Outside London
Preparation	£57.35 per hour	£52.55 per hour
Travel and waiting	£30.30 per hour	£29.45 per hour
Letters written and telephone calls	£4.40 per item	£4.10 per item

### PART II

Legal Help and Help at Court—family, housing and employment

	London Region	Outside London
Preparation	£53.10 per hour	£50.05 per hour
Travel and waiting	£28.05 per hour	£28.05 per hour
Letters written and telephone calls	£4.10 per item	£3.95 per item

### PART III

Legal Help and Help at Court—other work carried out under contract

	London Region	Outside London
Preparation	£50.70 per hour	£47.80 per hour
Travel and waiting	£26.80 per hour	£26.80 per hour
Letters written and telephone calls	£3.90 per item	£3.75 per item

### PART IV

Help with Mediation

	London Region	Outside London
Preparation	£64.10 per hour	£59.95 per hour
Travel and waiting	£28.05 per hour	£28.05 per hour
Letters written and telephone calls	£4.30 per item	£4.30 per item

## PART V

### Legal Representation—Immigration and Mental Health

	London Region	Outside London
Preparation	£61.20 per hour	£57.25 per hour
Travel and waiting	£30.30 per hour	£29.45 per hour
Letters written and telephone calls	£4.40 per item	£4.10 per item
Advocacy	£69.60 per hour	£69.60 per hour
Attending tribunal with counsel (Mental Health Review Tribunal only)	£32.55 per hour	£32.55 per hour*

Signed by authority of the Lord Chancellor

*David Lock*  
Parliamentary Secretary,  
Lord Chancellor's Department

Dated 8th March 2001

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### EXPLANATORY NOTE

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

This Order, which amends the Community Legal Service (Funding) Order 2000 (S.I. 2000/627), sets out amended maximum figures for remuneration, which are set out in the respective Parts of the Schedule to the Order, payable under contracts for the following types of work:

- (a) Legal Help and Help at Court relating to immigration, mental health, education, public law, actions against the police etc and community care (Part I);
- (b) Legal Help and Help at Court relating to family, housing and employment (Part II);
- (c) other Legal Help and Help at Court carried out under contracts (Part III);
- (d) Help with Mediation (Part IV); and
- (e) Legal Representation before a Mental Health Review Tribunal or before the Immigration Appeal Tribunal or an immigration adjudicator (Part V—but see below).

The maximum relating to Legal Representation before the Immigration Appeal Tribunal or an immigration adjudicator is disapplied if the case raises an exceptionally novel or complex point of law, or has significant potential to produce real benefits for individuals other than the client.

**£1.75**

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