

SCHEDULES

SCHEDULE 10

Section 53(6).

FURTHER PROVISIONS RELATING TO ASSISTANCE UNDER SECTION 53

- 1 In this Schedule “applicant” and “proceedings” have the same meaning as in section 53.
- 2 The assistance provided under section 53 may include the making of arrangements for, or for the Commissioner to bear the costs of—
 - (a) the giving of advice or assistance by a solicitor or counsel, and
 - (b) the representation of the applicant, or the provision to him of such assistance as is usually given by a solicitor or counsel—
 - (i) in steps preliminary or incidental to the proceedings, or
 - (ii) in arriving at or giving effect to a compromise to avoid or bring an end to the proceedings.
- 3 Where assistance is provided with respect to the conduct of proceedings—
 - (a) it shall include an agreement by the Commissioner to indemnify the applicant (subject only to any exceptions specified in the notification) in respect of any liability to pay costs or expenses arising by virtue of any judgment or order of the court in the proceedings,
 - (b) it may include an agreement by the Commissioner to indemnify the applicant in respect of any liability to pay costs or expenses arising by virtue of any compromise or settlement arrived at in order to avoid the proceedings or bring the proceedings to an end, and
 - (c) it may include an agreement by the Commissioner to indemnify the applicant in respect of any liability to pay damages pursuant to an undertaking given on the grant of interlocutory relief (in Scotland, an interim order) to the applicant.
- 4 Where the Commissioner provides assistance in relation to any proceedings, he shall do so on such terms, or make such other arrangements, as will secure that a person against whom the proceedings have been or are commenced is informed that assistance has been or is being provided by the Commissioner in relation to them.
- 5 In England and Wales or Northern Ireland, the recovery of expenses incurred by the Commissioner in providing an applicant with assistance (as taxed or assessed in such manner as may be prescribed by rules of court) shall constitute a first charge for the benefit of the Commissioner—
 - (a) on any costs which, by virtue of any judgment or order of the court, are payable to the applicant by any other person in respect of the matter in connection with which the assistance is provided, and
 - (b) on any sum payable to the applicant under a compromise or settlement arrived at in connection with that matter to avoid or bring to an end any proceedings.

Status: This is the original version (as it was originally enacted).

- 6 In Scotland, the recovery of such expenses (as taxed or assessed in such manner as may be prescribed by rules of court) shall be paid to the Commissioner, in priority to other debts—
- (a) out of any expenses which, by virtue of any judgment or order of the court, are payable to the applicant by any other person in respect of the matter in connection with which the assistance is provided, and
 - (b) out of any sum payable to the applicant under a compromise or settlement arrived at in connection with that matter to avoid or bring to an end any proceedings.