



# Church of England (Legal Aid) Measure 1994

1994 No. 3

## 2 Applications for legal aid.

- (1) Where any proceedings mentioned in the first column of Schedule 1 to this Measure are taken or are proposed to be taken in the province of Canterbury or the province of York, any person mentioned in the second column of that Schedule in relation to those proceedings may apply to the Legal Aid Commission for financial assistance in respect of costs incurred in connection with those proceedings.
- (2) On an application under subsection (1) above, the Commission may, subject to and in accordance with the provisions of this Measure, issue a certificate authorising the payment out of the Legal Aid Fund of the whole or part of the costs incurred by the applicant, after the date of the issue of the certificate, in or in relation to or directly or indirectly arising out of the proceedings concerned; and any payment made or authorised under this subsection is in this Measure referred to as “legal aid”.
- (3) The Commission may issue a certificate for the payment of the costs, or part of the costs, incurred by any person subject to such conditions specified in the certificate as the Commission thinks fit.
- (4) Without prejudice to the generality of subsection (3) above, where on an application under subsection (1) above the Commission considers that legal aid should be granted in respect of some but not all of the costs incurred by the applicant, in or in relation to or directly or indirectly arising out of the proceedings concerned, the Commission may issue a certificate for—
  - (a) the payment of a contribution towards those costs of an amount specified in the certificate, or
  - (b) the payment of those costs subject to a contribution from the applicant of an amount so specified, or
  - (c) the payment of such proportion of those costs as may be so specified, or
  - (d) the payment of the costs of, or a specified proportion of the costs of, such part of the proceedings as may be so specified, whether by reference to issues in or stages of those proceedings.

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*Changes to legislation:* There are currently no known outstanding effects for the Church of England (Legal Aid) Measure 1994, Section 2. (See end of Document for details)

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- (5) Before deciding whether to grant any legal aid under this section and, if so, to what extent, the Commission shall have regard to all the circumstances of the case and, in particular, shall consider the financial resources of the applicant (including the financial resources of the [<sup>F1</sup>spouse or civil partner] of the applicant), and legal aid shall not be granted if it appears to the Commission that the applicant could afford to proceed without legal aid.
- (6) Except as expressly provided by rules made under this Measure, the Commission shall not grant legal aid to any person in connection with any proceedings unless that person shows that he has reasonable grounds for taking or defending the proceedings or being a party thereto.

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**Textual Amendments**

- F1** Words in s. 2(5) substituted (5.12.2005) by [Civil Partnership Act 2004 \(Overseas Relationships and Consequential, etc. Amendments\) Order 2005 \(S.I. 2005/3129\)](#), art. 1, **Sch. 3 para. 4**

**Changes to legislation:**

There are currently no known outstanding effects for the Church of England (Legal Aid) Measure 1994, Section 2.