

*These notes refer to the Access to Justice Act 1999
(c.22) which received Royal Assent on 27th July 1999*

ACCESS TO JUSTICE ACT 1999

EXPLANATORY NOTES

A.

FUNDING OF LEGAL SERVICES (PARTS I & II, SECTIONS 1-34)

Summary

Community Legal Service

23. The Legal Services Commission will have two main duties in respect of the Community Legal Service (CLS).
- It will manage a Community Legal Service fund, which will replace legal aid in civil and family cases. The CLS fund will be used to secure the provision of appropriate legal services, within the resources made available to it and according to priorities. A Funding Code, drawn up by the Commission and approved by the Lord Chancellor, will set out the criteria for deciding whether to fund individual cases.

The Legal Aid Board published a draft Funding Code for consultation in January 1999. The closing date for comments was 30 April 1999. Copies of the draft Code can be obtained from the Legal Aid Board, 85 Gray's Inn Road, London, WC1X 8AA.

- The Commission will also take the lead in developing the wider Community Legal Service. It will co-operate with local funders and others to develop local, regional and national plans to match the delivery of legal services to identified needs and priorities.

The Lord Chancellor's Department published a consultation paper about the Community Legal Service in May 1999. Copies can be obtained by phoning 0171 210 0733/1325. The closing date for comments is 30 July 1999.

24. The development of the CLS depends on the formation of Community Legal Service Partnerships (CLSPs) in each local authority area. These do not require specific provisions in the Act. Each CLSP will provide a forum for the local authority, the Legal Services Commission, and others, jointly to plan and co-ordinate funding of local advice and other legal services, ensuring that delivery of these services better matches local needs.
25. Overall, the creation of the Community Legal Service is intended to:
- make best use of all the resources available for funding legal services, by facilitating a co-ordinated approach to planning;
 - improve value for money through contracting and the development of quality assurance systems;

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- establish a flexible system for allocating central Government funding in a transparent way within a controlled budget, so as to provide legal services where they are judged to be most needed; and
- ensure that the scheme is capable of adapting to meet changing priorities and opportunities.