
STATUTORY INSTRUMENTS

1995 No. 2034

The Church of England (Legal Aid) Rules 1995

PART V

CONDUCT OF PROCEEDINGS

Notification of changes in circumstances

17.—(1) Without prejudice to rule 8(3) an applicant or assisted person shall forthwith inform his solicitor of—

- (a) any material change in his financial circumstances; and
- (b) any other change in the circumstances of his case which he has reason to believe might affect the terms or continuation of the certificate, and

an applicant's or assisted person's solicitor who receives any such information from the applicant or assisted person or otherwise shall forthwith report that information to the Commission.

(2) Without prejudice to paragraph (1), where a solicitor who has acted or is acting for an assisted person is—

- (a) aware that the assisted person has died or has had a bankruptcy order made against him; or
- (b) satisfied that the proceedings or the part of the proceedings to which the certificate relates have or has been disposed of or completed,

he shall forthwith report those matters to the Commission.

Abuse of legal aid

18.—(1) Where an assisted person's solicitor or his counsel (if any) has reason to believe that any of the circumstances mentioned in paragraph (3) exist, he shall forthwith report those circumstances to the Commission.

(2) Where at any time during the hearing of any proceedings in respect of which legal aid is granted, the tribunal before which the proceedings are being heard considers that any of the circumstances mentioned in paragraph (3) exist, that tribunal may make an order referring to the Commission the question whether the assisted person's certificate should continue.

(3) The circumstances referred to in paragraphs (1) and (2) are that—

- (a) the assisted person has required the proceedings to which the certificate relates to be conducted unreasonably so as to incur an unjustifiable expense to the Fund or has required unreasonably that the proceedings be continued;
- (b) the assisted person has wilfully failed to comply with these Rules;
- (c) the assisted person has knowingly made a false statement or false representation in connection with an application for legal aid or for amendment of a certificate;

- (d) the assisted person has failed to disclose a material fact in connection with an application for legal aid or for amendment of a certificate and he cannot show that he used due care and diligence to avoid that failure.

Provision of further information

19. An assisted person and his solicitor shall give to the Commission such information regarding the progress and disposal of the proceedings in respect of which the certificate has been issued as the Commission may from time to time require to enable it to perform its functions.

Privilege etc. not to prevent disclosure

20.—(1) No solicitor or counsel shall be precluded, by reason of any privilege arising out of the relationship between counsel, solicitor and client from disclosing to the Commission any information or from giving any opinion which—

- (a) he is required to disclose or give to the Commission under these Rules; or
- (b) may enable the Commission to perform its functions.

(2) For the purpose of providing information under these Rules to enable the Commission to perform its functions, any party to proceedings to which an assisted person is or was a party may disclose to the Commission communications relating to those proceedings which have been sent by the assisted person’s solicitor, whether or not they are expressed to be “without prejudice”.