
STATUTORY INSTRUMENTS

2000 No. 441

The Community Legal Service (Costs) Regulations 2000

PART III

PROPERTY AND COSTS RECOVERED FOR A FUNDED CLIENT

Postponement of statutory charge

21.—(1) In this regulation:

“conveyancer” means a solicitor or any other person who lawfully provides conveyancing services;

“family proceedings” means proceedings which arise out of family relationships, including proceedings in which the welfare of children is determined. Family proceedings also include all proceedings under any one or more of the following:

- (a) the Matrimonial Causes Act 1973(1);
- (b) the Inheritance (Provision for Family and Dependants) Act 1975(2);
- (c) the Adoption Act 1976(3);
- (d) the Domestic Proceedings and Magistrates' Courts Act 1978(4);
- (e) Part III of the Matrimonial and Family Proceedings Act 1984(5);
- (f) Parts I, II and IV of the Children Act 1989(6);
- (g) Part IV of the Family Law Act 1996(7); and
- (h) the inherent jurisdiction of the High Court in relation to children;

“purchase money” means money recovered or preserved by the client in family proceedings which, by virtue of an order of the court or an agreement, is to be used to purchase a home to be used by the client or the client’s dependants, and “the purchased property” means the property purchased or to be purchased with that money.

(2) The following paragraphs of this regulation apply, and (subject to paragraph (6)) regulation 20(1)(b) does not apply, where the Commission decides to postpone enforcement of the statutory charge under regulation 52 of the Financial Regulations.

(3) The solicitor may release the purchase money to the seller or the seller’s representative on completion of the purchase of the purchased property; and shall as soon as practicable provide the Commission with sufficient information to enable it to protect its interest in accordance with regulation 52(1)(c) of the Financial Regulations.

(1) 1973 c. 18.
(2) 1975 c. 63.
(3) 1976 c. 36.
(4) 1978 c. 22.
(5) 1984 c. 42.
(6) 1989 c. 41.
(7) 1996 c. 27.

(4) The client's solicitor may release the purchase money to a conveyancer acting for the client in the purchase of the purchased property, if he is satisfied that adequate steps have been, or will be, taken to protect the interests of the Commission.

(5) The steps referred to in paragraph (4) shall include, but are not limited to, the securing of an undertaking from the conveyancer referred to in that paragraph to:

- (a) provide the information referred to in paragraph (3); and
- (b) repay the purchase money under paragraph (6).

(6) Where the purchase of the purchased property has not been completed within 12 months after the date of the Commission's decision referred to in paragraph (2), or such longer period as the Commission considers reasonable, regulation 20(1)(b) shall apply and the purchase money shall accordingly be repaid to the Commission.