
STATUTORY INSTRUMENTS

2000 No. 441

The Community Legal Service (Costs) Regulations 2000

PART III

PROPERTY AND COSTS RECOVERED FOR A FUNDED CLIENT

Enforcement of orders etc in favour of client

23.—(1) Where, in relation to any dispute to which a client is a party, whether or not proceedings are begun:

- (a) an order or agreement is made providing for the recovery or preservation of property by the client (whether for himself or any other person); or
- (b) there is a client's costs order or client's costs agreement

the Commission may take any steps, including proceedings in its own name, as may be necessary to enforce or give effect to that order or agreement.

(2) A client may, with the consent of the Regional Director, take proceedings to give effect to an order or agreement under which he is entitled to recover or preserve money or other property.

(3) Subject to paragraph (4), the client's solicitor may take proceedings for the recovery of costs where a client's costs order or a client's costs agreement has been made.

(4) Where the client's costs order or client's costs agreement relates wholly or partly to costs incurred in carrying out work which is remunerated, or to be remunerated, in the funded sum, but those costs have not been reimbursed by payment from any other party in favour of the client, the solicitor shall require the consent of the Regional Director before taking proceedings to which paragraph (3) refers.

(5) Where the Commission takes proceedings, it may authorise any person to make a statement, file a proof or take any other step in the proceedings in its name.

(6) The costs incurred by the Commission in taking any step to enforce an order or agreement where paragraph (1) applies shall be a first charge on any property or sum so recovered.