
STATUTORY INSTRUMENTS

2000 No. 824

**The Community Legal Service
(Cost Protection) Regulations 2000**

Cost protection

3.—(1) Cost protection shall not apply in relation to such parts of proceedings, or prospective proceedings, as are funded for the client by way of:

- (a) Help at Court or Litigation Support;
- (b) Investigative Support, except where any proceedings in respect of which the Investigative Support was given are not pursued (whether or not as funded proceedings) after the certificate for Investigative Support is discharged;
- (c) subject to paragraph (2), Legal Help.

(2) Subject to paragraph (4), where the client receives Legal Help, but later receives Legal Representation or Approved Family Help in respect of the same dispute, cost protection shall apply, both in respect of:

- (a) the costs incurred by the receiving party before the commencement of proceedings which, as regards the client, are funded proceedings by virtue of the client's receipt of Legal Help, and
- (b) the costs incurred by the receiving party in the course of proceedings which, as regards the client, are funded proceedings by virtue of the client's receipt of Legal Representation or Approved Family Help.

(3) Subject to paragraph (4), cost protection shall apply only to costs incurred by the receiving party in relation to proceedings which, as regards the client, are funded proceedings, and:

- (a) where work is done before the issue of a certificate, cost protection shall (subject to paragraphs (2) and (5)) apply only to costs incurred after the issue of the certificate;
- (b) where funding is withdrawn by discharging the client's certificate, cost protection shall apply only to costs incurred before the date when funded services under the certificate ceased to be provided.

(4) Where funding is withdrawn by revoking the client's certificate, cost protection shall not apply, either in respect of work done before or after the revocation.

(5) Cost protection shall apply to work done immediately before the grant of an emergency certificate if:

- (a) no application for such a certificate could be made because the Commission's office was closed; and
- (b) the client's solicitor applies for an emergency certificate at the first available opportunity, and the certificate is granted.