
STATUTORY INSTRUMENTS

2001 No. 3632

The Financial Services and Markets Tribunal
(Legal Assistance) Regulations 2001

PART III—

ASSIGNMENT OF REPRESENTATIVE

37.—(1) A legal assistance order may provide for legal assistance to be provided by a solicitor alone, or by a solicitor and one or more advocates.

(2) The Tribunal, in deciding what legal assistance to grant under paragraph (1), shall take all relevant factors into account, including:

- (a) whether the case appears to involve substantial, novel or complex issues of law or fact;
- (b) whether the case is exceptional compared with the generality of such cases; and
- (c) the number and level of advocates instructed on behalf of the Authority.

38. Where the Authority has issued a decision notice against more than one assisted person in the same case, the Tribunal may, unless it considers it not to be in the interests of justice to do so, assign the same solicitor and, if any, advocate, to each of those individuals.

Amendment of legal assistance order

39.—(1) An application may be made to the Tribunal to amend a legal assistance order, and any such application shall state the grounds on which it is made.

(2) The Tribunal may grant or refuse any application made under paragraph (1).

(3) The Tribunal may, before granting legal assistance for more than one advocate, require written advice from any advocate already assigned to the assisted person on the question of what legal assistance is required in the proceedings.

40.—(1) Where an application for legal assistance has been granted, an application may be made to the Tribunal to select a representative in place of a representative previously assigned and any such application shall state the grounds on which it is made.

(2) The Tribunal may grant or refuse any application made under paragraph (1).