

**2005 No. 2306**

**LEGAL SERVICES, ENGLAND AND WALES**

**The Access to Justice (Membership Organisation) Regulations  
2005**

<i>Made</i> - - - -	<i>9th August 2005</i>
<i>Laid before Parliament</i>	<i>19th August 2005</i>
<i>Coming into force</i> - -	<i>1st November 2005</i>

The Secretary of State, in exercise of the powers conferred upon the Lord Chancellor by sections 30(1) and (3) to (5) of the Access to Justice Act 1999<sup>(a)</sup> and now vested in him<sup>(b)</sup> makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Access to Justice (Membership Organisation) Regulations 2005 and shall come into force on 1<sup>st</sup> November 2005.

(2) In these Regulations a reference to a section by number alone is a reference to the section so numbered in the Access to Justice Act 1999.

**Revocation and transitional**

2.—(1) Subject to paragraph (2), the Access to Justice (Membership Organisation) Regulations 2000<sup>(c)</sup> (the “2000 Regulations”) are revoked.

(2) The 2000 Regulations shall continue to have effect for the purposes of arrangements entered into before 1<sup>st</sup> November 2005 as if these Regulations had not come into force.

**Bodies of a prescribed description**

3. The bodies which are prescribed for the purpose of section 30 (recovery where body undertakes to meet costs liabilities) are those bodies which are for the time being approved by the Secretary of State for that purpose.

**Requirements for arrangements to meet costs liabilities**

4.—(1) Section 30(1) applies to arrangements which satisfy the following conditions.

(2) The arrangements must be in writing.

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(a) 1999 c 22.

(b) Article 4, Schedule 1 and paragraph 11(1)(c) of Schedule 2 of the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887).

(c) S.I. 2000/693.

(3) The arrangements must contain a statement specifying the circumstances in which the member may be liable to pay costs of the proceedings.

**Recovery of additional amount for insurance costs**

5.—(1) Where an additional amount is included in costs by virtue of section 30(2) (costs payable to a member of a body or other person party to the proceedings to include an additional amount in respect of provision made by the body against the risk of having to meet the member's or other person's liabilities to pay other parties' costs), that additional amount must not exceed the following sum.

(2) That sum is the likely cost to the member of the body or, as the case may be, the other person who is a party to the proceedings in which the costs order is made of the premium of an insurance policy against the risk of incurring a liability to pay the costs of other parties to the proceedings.

Signed

9th August 2005

*Catherine. M. Ashton*  
Parliamentary Under Secretary of State  
Department for Constitutional Affairs

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations revoke the Access to Justice (Membership Organisation) Regulations 2000 in respect of arrangements entered into after 1st November 2005, and make new, simplified client-care provisions for the purposes of arrangements entered into on or after that date.

Section 30 of the Access to Justice Act 1999 applies where a body of a description to be specified in regulations undertakes (in accordance with arrangements satisfying conditions to be so specified) to meet liabilities which members of the body or other persons who are parties to proceedings may incur to pay the costs of other parties. Regulation 3 of these Regulations specifies bodies which are for the time being approved by the Secretary of State for this purpose. Regulation 4 specifies the conditions which the arrangements must satisfy.

Under section 30(2) of that Act an additional amount may be included in costs payable to a member of such a body or other person to cover insurance or other provision made by the body against the risk of having to meet those liabilities of the member or other person. Under section 30(3) of that Act that additional amount must not exceed a sum determined in a way specified by regulations. Regulation 5 of these Regulations specifies that sum as the likely cost to the member or other person of the premium of an insurance policy against the risk in question.

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STATUTORY INSTRUMENTS

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