
STATUTORY INSTRUMENTS

2006 No. 2364

**LEGAL SERVICES COMMISSION,
ENGLAND AND WALES**

**The Community Legal Service (Funding) (Counsel
in Family Proceedings) (Amendment) Order 2006**

Made - - - - *28th August 2006*
Laid before Parliament *1st September 2006*
Coming into force - - *2nd October 2006*

This Order is made in exercise of the powers conferred (1) by section 6(4) of the Access to Justice Act 1999 (2). The Lord Chancellor has consulted the General Council of the Bar and the Law Society in accordance with section 25(2) of that Act and he has had regard to the matters specified in section 25(3) of that Act. The Lord Chancellor makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Community Legal Service (Funding) (Counsel in Family Proceedings) (Amendment) Order 2006 and comes into force on 2nd October 2006.

(2) In this Order a reference to an article by number alone is a reference to the article so numbered in the Community Legal Service (Funding) (Counsel in Family Proceedings) Order 2001(3).

Amendments to the Community Legal Service (Funding) (Counsel in Family Proceedings) Order 2001

2. In article 2—

(a) after the definition of “counsel” insert—

““Director” means any Director appointed by the Commission under the Funding Code and includes any person authorised to act on his behalf, other than a solicitor authorised by contract to determine applications on behalf of the Commission;”;

(b) omit the definition of “Funding Review Committee”;

(1) The powers were transferred to the Secretary of State by the Secretary of State for Constitutional Affairs Order 2003 [S.I.2003/1887](#) and were transferred back the Lord Chancellor by the Transfer of Functions (Lord Chancellor and Secretary of State) Order 2005 [S.I.2005/3429](#).
(2) 1999 c.22.
(3) [S.I.2001/1077](#); amended by [S.I.2003/2590](#), [S.I.2005/184](#), [S.I.2005/2114](#), [S.I.2005/3504](#).

- (c) after the definition of “harm” insert—
 - ““Independent Funding Adjudicator” means an adjudicator appointed by the Commission to carry out functions under the Funding Code;”;
- (d) omit the definition of “Regional Director”.
- 3. In article 9(6) omit “Regional”.
- 4. In article 16(4), in each place where it appears, omit “Regional”.
- 5. In article 17—
 - (a) in each place where it appears, omit “Regional”;
 - (b) in paragraph (2)(b) for “Funding Review Committee” substitute “Independent Funding Adjudicator”.
- 6. In article 18, in each place where it appears, omit “Regional”.

Signed by authority of the Lord Chancellor

28th August 2006

Cathy Ashton
Parliamentary Under Secretary of State
Department for Constitutional Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Community Legal Service (Funding) (Counsel in Family Proceedings) Order 2001 (“the 2001 Order”).

The 2001 Order governs the systems for the payment of graduated fees for counsel for work in family proceedings. The 2001 Order also covers how and when claims for payment are to be made, and appeals and review of payments.

This Order changes the references to those within the Legal Services Commission who are responsible for considering certain claims, applications and appeals under the 2001 Order. The change is to reflect recent amendments to the Legal Services Commission Funding Code.

A full regulatory impact assessment has not been made for this instrument, as it has no significant impact on the costs of businesses, charities or voluntary bodies.