

2011 No. 2971

**LEGAL SERVICES COMMISSION, ENGLAND AND
WALES**

**The Community Legal Service (Financial) (Amendment No. 2)
Regulations 2011**

| | | |
|-------------------------------|---------|---------------------------|
| <i>Made</i> | - - - - | <i>14th December 2011</i> |
| <i>Laid before Parliament</i> | | <i>14th December 2011</i> |
| <i>Coming into force</i> | - - | <i>15th December 2011</i> |

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by section 7 of the Access to Justice Act 1999^(a):

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Community Legal Service (Financial) (Amendment No. 2) Regulations 2011.

(2) This regulation and regulations 2 and 3 come into force on 15th December 2011.

(3) Regulations 4 and 5 come into force on 26th January 2012.

(4) In these Regulations—

“the 2000 Regulations” means the Community Legal Service (Financial) Regulations 2000^(b);

“TPIM notice” has the meaning given in section 2(1) of the Terrorism Prevention and Investigation Measures Act 2011^(c);

“TPIM proceedings” are the proceedings listed at (b) to (g) of the definition of “TPIM proceedings” given in section 30(1) of the Terrorism Prevention and Investigation Measures Act 2011.

Amendment to the Community Legal Service (Financial) Regulations 2000

2. The 2000 Regulations are amended as follows.

3. In regulation 3—

(a) in paragraph (1)(i), after “proceedings” insert—

“;

(j) services consisting of—

^(a) 1999 c. 22. Under section 26 of that Act “regulations” means regulations made by the Lord Chancellor.

^(b) S.I. 2000/516 as amended by S.I. 2005/10/97. There are other amendments that are not relevant to the subject matter of these Regulations.

^(c) 2011 c. 23.

- (i) Legal Help or Legal Representation for a person who is the subject of an application for permission under section 6 of the Terrorism Prevention and Investigation Measures Act 2011, in respect of such an application;
 - (ii) Legal Help for advice in connection with a TPIM notice for a person who is subject to that notice;
 - (iii) Legal Help for a person who is subject to a TPIM notice, in respect of an application—
 - (aa) to vary measures specified in that notice under section 12(2) of the Terrorism Prevention and Investigation Measures Act 2011;
 - (bb) for revocation of that notice in accordance with section 13(3) of the Terrorism Prevention and Investigation Measures Act 2011; or
 - (cc) for permission under Schedule 1 to the Terrorism Prevention and Investigation Measures Act 2011; or
 - (iv) Legal Representation in respect of TPIM proceedings for a person who is subject to a TPIM notice”; and
- (b) in paragraph (2), after “Denmark” in the definition of “Maintenance Regulation” insert—
- “;
- “TPIM notice” has the meaning given in section 2(1) of the Terrorism Prevention and Investigation Measures Act 2011;
- “TPIM proceedings” are the proceedings listed at (b) to (g) of the definition of “TPIM proceedings” given in section 30(1) of the Terrorism Prevention and Investigation Measures Act 2011”.

4. In regulation 3 of the 2000 Regulations omit—

- (a) in paragraph (1), sub-paragraph (i); and
- (b) in paragraph (2), the definitions of “control order” and “control order proceedings”.

Savings for control order proceedings

5. Regulation 4 has no effect in relation to—

- (a) the court’s consideration of a reference made under section 3(3)(a) of the Prevention of Terrorism Act 2005(a);
- (b) the holding or continuation of any hearing in pursuance of directions made under section 3(2)(c) or (6)(b) or (c) of the Prevention of Terrorism Act 2005;
- (c) the continuation of any appeal made under section 10(1) or (3) of the Prevention of Terrorism Act 2005; or
- (d) the bringing or continuation of any appeal or further appeal relating to a decision in any proceedings mentioned in any of sub-paragraphs (a) to (c) of this regulation.

Signed by the authority of the Lord Chancellor

14th December 2011

J Djanogly
Parliamentary Under Secretary of State
Ministry of Justice

(a) 2005 c. 2.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 3 of the Community Legal Service (Financial) Regulations 2000 to make legal help and representation under the Community Legal Service available to a person who is or may be subject to a TPIM notice under the Terrorism Prevention and Investigation Measures Act 2011 (TPIMA 2011) without reference to the person's financial resources. The Regulations also revoke similar provisions in relation to control orders under the Prevention of Terrorism Act 2005, which are being repealed by TPIMA 2011, with savings for certain control order proceedings commenced prior to the repeal.

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STATUTORY INSTRUMENTS

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