

2011 No. 1331

**LEGAL SERVICES COMMISSION, ENGLAND AND
WALES**

**The Community Legal Service (Financial) (Amendment)
Regulations 2011**

<i>Made</i> - - - -	<i>24th May 2011</i>
<i>Laid before Parliament</i>	<i>26th May 2011</i>
<i>Coming into force</i> - -	<i>18th June 2011</i>

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by section 7(1) and (2) of the Access to Justice Act 1999(a):

Citation and commencement

1. These Regulations may be cited as the Community Legal Service (Financial) (Amendment) Regulations 2011 and come into force on 18th June 2011.

Amendments to the Community Legal Service (Financial) Regulations 2000

2.—(1) The Community Legal Service (Financial) Regulations 2000(b) are amended as follows.

(2) In regulation 3 (financial eligibility), after paragraph (1)(g) insert—

“(ga) Legal Help, Legal Representation, Family Help (Lower) and Family Help (Higher) for a creditor making an application under Article 56(1) of the Maintenance Regulation concerning a maintenance obligation towards a person under the age of 21 arising from a parent-child relationship;

(gb) Legal Representation or Family Help (Higher), in proceedings under the Maintenance Regulation for recognition, registration or enforcement of a maintenance decision, for a party to those proceedings who, in the country in which that decision was made and in relation to that decision, benefitted from—

- (i) complete or partial assistance with, or exemption from, costs or expenses; or
- (ii) free proceedings before an administrative authority listed in Annex X to the Maintenance Regulation;”.

(3) In regulation 3(2)—

(a) after the definitions of “control order” and “control order proceedings” insert—

““creditor” has the meaning given by Article 2 of the Maintenance Regulation;”

(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. 2001/2997, S.I. 2001/3929, S.I. 2002/709, S.I. 2005/1097, S.I. 2005/1793, S.I. 2007/906, S.I. 2007/1655, S.I. 2007/2442, S.I. 2008/658, S.I. 2008/2703 and S.I. 2009/502. There are other amendments that are not relevant to the subject matter of these Regulations.

- (b) after the definition of “Hague Convention country” insert—
““maintenance decision” has the meaning given to “decision” by Article 2 of the Maintenance Regulation”;
- (c) after the definition of “the Maintenance Orders (Reciprocal Enforcement) Act 1972” insert—
““Maintenance Regulation” means Council Regulation (EC) No 4/2009 of 18th December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations(a), including as applied in relation to Denmark by virtue of the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark(b);”.

Signed by authority of the Lord Chancellor

24th May 2011

McNally
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Community Legal Service (Financial) Regulations 2000 (“the principal Regulations”) to give effect to Articles 46 and 47 of Council Regulation (EC) No 4/2009 of 18th December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations.

Regulation 2 amends regulation 3 of the principal Regulations to provide that the case described in new sub-paragraph (ga) will not be subject to means-testing in order to qualify for Legal Help, Legal Representation, Family Help (Lower) or Family Help (Higher) under the Community Legal Service.

Regulation 2 amends regulation 3 of the principal Regulations to provide that the case described in new sub-paragraph (gb) will not be subject to means-testing in order to qualify for Legal Representation or Family Help (Higher) under the Community Legal Service.

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(a) OJ L7, 10.1.2009, p. 1.
(b) OJ No. L 299 16.11.2005.

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