

Coroners and Justice Act 2009

2009 CHAPTER 25

PART 6 E+W

LEGAL AID AND OTHER PAYMENTS FOR LEGAL SERVICES

Community Legal Service

Textual Amendments
F1 Ss. 149-153 repealed (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012
(c. 10), s. 151(1), Sch. 5 Pt. 2; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I.

F1150 Excluded services: help in connection with business matters E+W

Community Legal Service: pilot schemes E+W

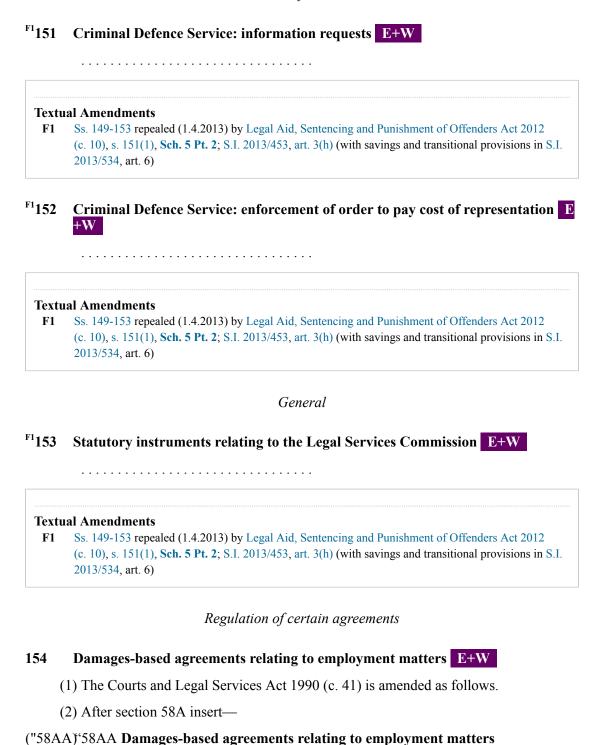
Textual Amendments

2013/534, art. 6)

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Changes to legislation: Coroners and Justice Act 2009, Part 6 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Criminal Defence Service



(1) A damages-based agreement which relates to an employment matter and satisfies the conditions in subsection (4) is not unenforceable by reason only of its being a damages-based agreement.

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- (2) But a damages-based agreement which relates to an employment matter and does not satisfy those conditions is unenforceable.
- (3) For the purposes of this section—
 - (a) a damages-based agreement is an agreement between a person providing advocacy services, litigation services or claims management services and the recipient of those services which provides that—
 - (i) the recipient is to make a payment to the person providing the services if the recipient obtains a specified financial benefit in connection with the matter in relation to which the services are provided, and
 - (ii) the amount of that payment is to be determined by reference to the amount of the financial benefit obtained;
 - (b) a damages-based agreement relates to an employment matter if the matter in relation to which the services are provided is a matter that is, or could become, the subject of proceedings before an employment tribunal.
- (4) The agreement—
 - (a) must be in writing;
 - (b) must not provide for a payment above a prescribed amount or for a payment above an amount calculated in a prescribed manner;
 - (c) must comply with such other requirements as to its terms and conditions as are prescribed; and
 - (d) must be made only after the person providing services under the agreement has provided prescribed information.
- (5) Regulations under subsection (4) are to be made by the Lord Chancellor and may make different provision in relation to different descriptions of agreements.
- (6) Before making regulations under subsection (4) the Lord Chancellor must consult—
 - (a) the designated judges,
 - (b) the General Council of the Bar,
 - (c) the Law Society, and
 - (d) such other bodies as the Lord Chancellor considers appropriate.
- (7) In this section—

"payment" includes a transfer of assets and any other transfer of money's worth (and the reference in subsection (4)(b) to a payment above a prescribed amount, or above an amount calculated in a prescribed manner, is to be construed accordingly);

"claims management services" has the same meaning as in Part 2 of the Compensation Act 2006 (see section 4(2) of that Act).

- (8) Nothing in this section applies to an agreement entered into before the coming into force of the first regulations made under subsection (4)."
- (3) In section 120(4) (regulations and orders) after "58(4)," insert "58AA".

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A and cross-heading inserted by 2023 c. 41 Sch. 11 para. 1(1)
- Sch. 1A inserted by 2023 c. 41 Sch. 11 para. 1(2)