
S T A T U T O R Y I N S T R U M E N T S

2000 No. 2918 (L.24)

**SUPREME COURT OF ENGLAND AND WALES
COUNTY COURTS, ENGLAND AND WALES**

The Court Funds (Amendment) Rules 2000

<i>Made</i> - - - - -	<i>30th October 2000</i>
<i>Laid before Parliament</i>	<i>31st October 2000</i>
<i>Coming into force</i> - -	<i>1st December 2000</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 38(7) of the Administration of Justice Act 1982(a), and with the concurrence of the Treasury, hereby makes the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Court Funds (Amendment) Rules 2000 and shall come into force on 1st December 2000.

(2) In these Rules, a rule referred to by number alone means the rule so numbered in the Court Funds Rules 1987(b).

Amendments to Court Funds Rules 1987

2. In rule 2(2) the definition of “Gross Income Fund” shall be omitted.
3. Rule 37(3) shall be omitted.
4. In rule 44(2)—
 - (a) for the words from “legal aid certificate” to “1989” there shall be substituted “certificate issued under the code approved under section 9 of the Access to Justice Act 1999(c) certifying a decision to fund services for the claimant as part of the Community Legal Service under sections 4 to 10 of that Act”; and
 - (b) for the words from “Legal Aid Board” to the end of that paragraph there shall be substituted “Legal Services Commission if the claimant is no longer represented by the solicitor, but further provided that the Accountant General’s obligation under this paragraph to pay the money to the solicitor or to the Legal Services Commission shall apply only to the extent that regulation 18(1) of the Community Legal Service (Costs) Regulations 2000(d) applies to that money”.
5. In rule 57(1), (2)(i) and (3), for “five” there shall be substituted “ten”.

(a) 1982 c. 53.

(b) S.I. 1987/821; amended by S.I. 1988/817, 1990/518, 1991/1217, 1997/177 and 1999/1021.

(c) 1999 c. 22.

(d) S.I. 2000/441.

Transitional provision

6. Where a claimant is receiving, or has received, representation under Part IV of the Legal Aid Act 1988(a), the Court Funds Rules 1987 shall have effect as if they had not been amended by rule 4 of these Rules, but as if, for the words from “Legal Aid Board” to the end of rule 44(2), there were substituted: “Legal Services Commission if the claimant is no longer represented by the solicitor, but further provided that the Accountant General’s obligation under this paragraph to pay the money to the solicitor or to the Legal Services Commission shall apply only to the extent that regulation 87(1) of those Regulations applies to that money”.

Dated 20th October 2000

Irvine of Lairg, C

We concur,

Jim Dowd

Rob Ainsworth

Two of the Lords Commissioners of
Her Majesty’s Treasury

Dated 30th October 2000

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the period, in rule 57 of the Court Funds Rules 1987, after which the Accountant General may carry over an unclaimed fund in court to an account of unclaimed balances, from five to ten years.

They also:

- (i) remove obsolete references, in rules 2(2) and 37(3), to the Gross Income Fund of the Common Investment Scheme;
- (ii) make amendments to rule 44(2) (dealing with the paying out of funds in court) consequential on the replacement of civil legal aid by the Community Legal Service; and
- (iii) qualify the Accountant General’s obligation, in rule 44(2), to pay out money in court to a solicitor or to the Legal Services Commission, in line with the qualification to regulation 18(1) of the Community Legal Service (Costs) Regulations 2000 (S.I. 2000/441).

(a) 1988 c. 34. Part IV is repealed by the Access to Justice Act 1999 (c. 22), Schedule 15, Part I, but subject to the savings and transitional provisions contained in the Access to Justice Act 1999 (Commencement No. 3, Transitional Provisions and Savings) Order 2000 (S.I. 2000/774).

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