

## SCHEDULE

### Consequential amendments to secondary legislation

## PART 2

### **Amendment of the Civil Procedure Rules 1998**

**13.** In the Civil Procedure Rules 1998(1)—

(a) in rule 42.2 (change of solicitor – duty to give notice) of the Civil Procedure Rules 1998—

(i) for paragraph (6)(a) substitute—

“(6) Where the certificate of a person to whom legal aid is provided is revoked or withdrawn—

(a) the solicitor who acted for that person will cease to be a solicitor acting in the case as soon as the solicitor’s retainer is determined under regulation 24 or 41 of the Civil Legal Aid (Procedure) Regulations 2012(2); and”;

(ii) for paragraph (7) substitute—

“(7) “Certificate” in paragraph (6) means a certificate issued under the Civil Legal Aid (Procedure) Regulations 2012.”;

(b) in paragraph (1)(d) of rule 74.13 (evidence in support) for “an assisted person or an LSC funded client, as defined in rule 43.2(1)(h) and (i)” substitute “a person to whom legal aid, as defined in rule 44.1, was provided”.

### **Amendment of the Non-Contentious Probate Fees Order 2004**

**14.** In Schedule 1A to the Non-Contentious Probate Fees Order 2004(3)—

(a) in paragraph 1(1)—

(i) in the definition of “child care costs”, for “the Criminal Defence Service (Financial Eligibility) Regulations 2006(4)” substitute “Part 3 of the Criminal Legal Aid (Financial Resources) Regulations 2013(5)”;

(ii) in the definition of “the Independent Living Funds”, for “has the meaning given in the Criminal Defence Service (Financial Eligibility) Regulations 2006” substitute “means any payment made from the funds listed at regulation 20(2)(b) of the Criminal Legal Aid (Financial Resources) Regulations 2013”;

(iii) omit the definition of “the Funding Code”; and

(iv) omit the definition of “LSC”; and

(b) in paragraph 1(2), for “who is in receipt of funding provided by the LSC for the purposes of the proceedings for which a certificate has been issued under the Funding Code” substitute “for whom civil legal services, for which a certificate has been issued under the Civil Legal Aid (Procedure) Regulations 2012, have been made available under arrangements made for the purposes of Part 1 of that Act for the purposes of the proceedings”.

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(1) S.I. 1998/3132 (L. 17). Paragraph (6) and (7) of rule 42.2 was substituted by S.I. 2000/1317 (L. 11) and rule 74.13 was inserted by S.I. 2002/2058 (L. 10).

(2) S.I. 2012/3098.

(3) S.I. 2004/3120 (L. 22). Schedule 1A was inserted by S.I. 2007/2174 (L. 14) and substituted by S.I. 2009/1497 (L. 14).

(4) S.I. 2006/2492.

(5) S.I. 2013/471.

### **Amendment of the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005**

15. In the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005(6)—
- (a) in article 149(6)(b) (property freezing orders: exclusions) for “funded by the Legal Services Commission or” substitute “made available under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 or be funded by”; and
  - (b) in article 157(5)(b) (interim receiving orders: restrictions on dealing etc with property) for “funded by the Legal Services Commission or” substitute “made available under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 or be funded by”.

### **Amendment of the Fines Collection Regulations 2006**

16. In the modification of rule 15 (consolidated attachment orders) of the Magistrates’ Courts (Attachment of Earnings) Rules 1971(7) made by regulation 30(g)(viii) of the Fines Collection Regulations 2006(8), for “under section 17(2) of the Access to Justice Act 1999 (recovery of criminal defence costs in publicly funded cases)” substitute “under the Criminal Legal Aid (Recovery of Defence Costs) Regulations 2013(9)”.

### **Amendment of the Court of Protection Rules 2007**

17. In the Court of Protection Rules 2007(10)—
- (a) in rule 6 (interpretation) for the definition of “LSC funded client” substitute—
    - ““legally aided person” means a person to whom civil legal services (within the meaning of the Legal Aid, Sentencing and Punishment of Offenders Act 2012) have been made available under arrangements made for the purposes of Part 1 of that Act);”;
  - (b) for the heading to rule 151 (LSC funded clients) substitute “Legally aided persons”;
  - (c) in paragraph (1) of rule 151, for “who is an LSC funded client is revoked or discharged” substitute “who is a legally aided person is revoked or withdrawn”;
  - (d) in paragraph (1)(a) of rule 151, for “under regulation 4 of the Community Legal Services (Costs) Regulations 2000” substitute “under regulation 24 or 41 of the Civil Legal Aid (Procedure) Regulations 2012”; and
  - (e) for paragraph (2) of rule 151 substitute—
    - “(2) In this rule, “certificate” means a certificate issued under the Civil Legal Aid (Procedure) Regulations 2012.”.

### **Amendment of the Civil Proceedings Fees Order 2008**

18. In Schedule 2 to the Civil Proceedings Fees Order 2008—
- (a) in paragraph 1(1)—
    - (i) in the definition of “child care costs”, for “the Criminal Defence Service (Financial Eligibility) Regulations 2006” substitute “Part 3 of the Criminal Legal Aid (Financial Resources) Regulations 2013”;

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(6) S.I. 2005/3181.

(7) S.I. 1971/809.

(8) S.I. 2006/501.

(9) S.I. 2013/511.

(10) S.I. 2007/1744 (L. 12).

- (ii) in the definition of “the Independent Living Funds”, for “has the meaning given in the Criminal Defence Service (Financial Eligibility) Regulations 2006” substitute “means any payment made from the funds listed at regulation 20(2)(b) of the Criminal Legal Aid (Financial Resources) Regulations 2013”; and
  - (iii) omit the definition of “the Funding Code”; and
- (b) in paragraph 1(2)(a), for “who is in receipt of funding provided by the LSC for the purposes of the proceedings for which a certificate has been issue under the Funding Code” substitute “for whom civil legal services, for which a certificate has been issued under the Civil Legal Aid (Procedure) Regulations 2012, have been made available under arrangements made for the purposes of Part 1 of that Act for the purposes of the proceedings”.

### **Amendment of the Family Proceedings Fees Order 2008**

**19.** In Schedule 2 to the Family Proceedings Fees Order 2008—

- (a) in paragraph 1(1)—
  - (i) in the definition of “child care costs”, for “the Criminal Defence Service (Financial Eligibility) Regulations 2006” substitute “Part 3 of the Criminal Legal Aid (Financial Resources) Regulations 2013”;
  - (ii) in the definition of “the Independent Living Funds”, for “has the meaning given in the Criminal Defence Service (Financial Eligibility) Regulations 2006” substitute “means any payment made from the funds listed at regulation 20(2)(b) of the Criminal Legal Aid (Financial Resources) Regulations 2013”; and
  - (iii) omit the definition of “the Funding Code”; and
- (b) in paragraph 1(2)(a), for “who is in receipt of funding provided by the LSC for the purposes of the proceedings for which a certificate has been issue under the Funding Code” substitute “for whom civil legal services, for which a certificate has been issued under the Civil Legal Aid (Procedure) Regulations 2012, have been made available under arrangements made for the purposes of Part 1 of that Act for the purposes of the proceedings”.

### **Amendment of the Magistrates’ Courts Fees Order 2008**

**20.** In Schedule 2 to the Magistrates’ Courts Fees Order 2008~~(11)~~—

- (a) in paragraph 1(1)—
  - (i) in the definition of “child care costs”, for “the Criminal Defence Service (Financial Eligibility) Regulations 2006” substitute “Part 3 of the Criminal Legal Aid (Financial Resources) Regulations 2013”;
  - (ii) in the definition of “the Independent Living Funds”, for “has the meaning given in the Criminal Defence Service (Financial Eligibility) Regulations 2006” substitute “means any payment made from the funds listed at regulation 20(2)(b) of the Criminal Legal Aid (Financial Resources) Regulations 2013”;
  - (iii) omit the definition of “the Funding Code”;
  - (iv) omit the definition of “LSC”; and
- (b) in paragraph 1(2)(a), for “who is in receipt of funding provided by the LSC for the purposes of the proceedings for which a certificate has been issue under the Funding Code” substitute “for whom civil legal services, for which a certificate has been issued

under the Civil Legal Aid (Procedure) Regulations 2012, have been made available under arrangements made for the purposes of Part 1 of that Act for the purposes of the proceedings”.

#### **Amendment of the Supreme Court Fees Order 2009**

**21.** For paragraph 1(2)(a) of Schedule 2 to the Supreme Court Fees Order 2009<sup>(12)</sup> (remissions and part remissions: interpretation) substitute—

- “(a) for whom civil legal services, for which a certificate has been issued under the Civil Legal Aid (Procedure) Regulations 2012, have been made available under arrangements made for the purposes of Part 1 of that Act for the purposes of the proceedings;”.

#### **Amendment of the Family Procedure Rules 2010**

**22.** In the Family Procedure Rules 2010<sup>(13)</sup>—

- (a) in paragraph (1)(a)(vi) of rule 12.73 (communication of information: general) for “the Legal Services Commission” substitute “the Director of Legal Aid Casework (within the meaning of section 4 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012)”;
- (b) in paragraph (c)(vi) of rule 14.14(c) (communication of information relating to proceedings) for “the Legal Services Commission” substitute “the Director of Legal Aid Casework (within the meaning of section 4 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012)”;
- (c) in rule 26.2 (change of solicitor – duty to give notice)—
- (i) in paragraph (6), for “LSC funded client or an assisted person” substitute “legally aided person”;
- (ii) in paragraph (6); for “is revoked or discharged” substitute “is revoked or withdrawn”;
- (iii) in paragraph (6)(a), for “regulation 4 of the Community Legal Service (Costs) Regulations 2000” substitute “regulation 24 or 41 of the Civil Legal Aid (Procedure) Regulations 2012”;
- (iv) in the definition of “certificate” in paragraph (7) for “under the Funding Code (approved under section 9 of the Access to Justice Act 1999)” substitute “under the Civil Legal Aid (Procedure) Regulations 2012”; and
- (v) omit the definition of “assisted person” and “LSC funded client” in paragraph (7) and insert—

““legally aided person” means a person to whom civil legal services (within the meaning of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012) have been made available under arrangements made for the purposes of that Part of that Act.”.

#### **Amendment of the First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011**

**23.** For article 5(3)(a) of the First-tier Tribunal (Immigration and Asylum Chamber) Fees Order 2011<sup>(14)</sup> (exemption from fees) substitute—

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<sup>(12)</sup> S.I. 2009/2131 (L. 25).

<sup>(13)</sup> S.I. 2010/2955 (L. 17).

<sup>(14)</sup> S.I. 2011/2841.

- “(a) civil legal services (within the meaning of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012) made available under arrangements made for the purposes of that Part of that Act;”.

**Amendment of the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011**

**24.** In Schedule 2 to the Upper Tribunal (Immigration and Asylum Chamber) (Judicial Review) (England and Wales) Fees Order 2011(**15**)—

- (a) in paragraph 1(1)—
- (i) in the definition of “child care costs”, for “the Criminal Defence Service (Financial Eligibility) Regulations 2006” substitute “Part 3 of the Criminal Legal Aid (Financial Resources) Regulations 2013”;
  - (ii) in the definition of “the Independent Living Funds”, for “has the meaning given in the Criminal Defence Service (Financial Eligibility) Regulations 2006” substitute “means any payment made from the funds listed at regulation 20(2)(b) of the Criminal Legal Aid (Financial Resources) Regulations 2013”; and
  - (iii) omit the definition of “the Funding Code”; and
- (b) in paragraph 1(2), for “who is in receipt of funding provided by the LSC for the purposes of the proceedings for which a certificate has been issued under the Funding Code” substitute “for whom civil legal services, for which a certificate has been issued under the Civil Legal Aid (Procedure) Regulations 2012, have been made available under arrangements made for the purposes of Part 1 of that Act for the purposes of the proceedings”.

**Amendment of the Magistrates’ Courts (Enforcement or Variation of Orders Made in Family Proceedings and Miscellaneous Provisions) Rules 2011**

**25.** In paragraph 11(1)(d) of Schedule 4 to the Magistrates’ Courts (Enforcement or Variation of Orders Made in Family Proceedings and Miscellaneous Provisions) Rules 2011(**16**) (confidentiality of documents) for “the Legal Services Commission” substitute “the Director of Legal Aid Casework (within the meaning of section 4 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012)”.

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(15) S.I. 2011/2344.

(16) S.I. 2011/1329 (L. 10).