

GS 1620

STATUTORY INSTRUMENTS

2006 No. []

ECCLESIASTICAL LAW, ENGLAND

LEGAL AID

The Church of England (Legal Aid) (Amendment) Rules 2006

Made (Sealed by the Archbishops' Council) July 2006

Approved by the General Synod July 2006

Laid before Parliament July 2006

Coming into force - - 1st August 2006

In exercise of the powers conferred by section 4 of the Church of England (Legal Aid) Measure 1994^(a), as amended^(b), the Archbishops' Council hereby makes the following Rules—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Church of England (Legal Aid) (Amendment) Rules 2006 and shall come into force on 1st August 2006.

(1) In these Rules “the 1995 Rules” means the Church of England (Legal Aid) Rules 1995^(c).

Interim certificates

2. In rule 10 of the 1995 Rules, there shall be added, at the end, the following paragraph—

(3) The power to issue an interim certificate under this rule may be exercised by the deputy of the secretary if any and, for any purposes of this rule, the deputy may exercise also the powers conferred on the secretary by rule 9..

Determination of applications for legal aid

3. In rule 11(4) of the 1995 Rules, for the words following the words “legal aid” to the end, there shall be substituted the words “together with a statement of the reasons for the decision”.

a)1994 No.3.

b)S.I. 1998/1715.

c)S.I. 1995/2034.

Power to discharge or revoke certificates

4. In rule 15(7) of the 1995 Rules, for the word “but” there shall be substituted the word “and” and for sub-paragraph (b) there shall be substituted the following sub-paragraph—

(b) the secretary shall also send to that person (except where the certificate has been discharged because of the death of that person) and to the solicitor of that person a statement of the reasons for the discharge or revocation..

THE COMMON SEAL of the Archbishops’ Council was hereunto affixed on
July 2006

Church House, London

William Fittall
Secretary General

These Rules were approved by the General Synod on
July 2006

Church House, London

David Williams
Clerk to the Synod

EXPLANATORY NOTE

(This note is not part of the Order)

These Rules amend the Church of England (Legal Aid) Rules 1995. Rule 2 enables the deputy (if any) of the Secretary to the Legal Aid Commission to issue interim certificates of legal aid on behalf of the Commission.

Rules 3 and 4, respectively, provide for a statement of reasons to be given for the Commission’s decision on an application for legal aid and for a decision to discharge or revoke a legal aid certificate to the applicant or assisted person (unless, in the case of an assisted person, the certificate has been discharged as a result of that person’s death) and to the solicitor of the applicant or assisted person.

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