



# Legal Aid, Sentencing and Punishment of Offenders Act 2012

## 2012 CHAPTER 10

### PART 1

#### LEGAL AID

#### *Civil legal aid*

### 11 Qualifying for civil legal aid

- (1) The Director must determine whether an individual qualifies under this Part for civil legal services in accordance with—
  - (a) section 21 (financial resources) and regulations under that section, and
  - (b) criteria set out in regulations made under this paragraph.
- (2) In setting the criteria, the Lord Chancellor—
  - (a) must consider the circumstances in which it is appropriate to make civil legal services available under this Part, and
  - (b) must, in particular, consider the extent to which the criteria ought to reflect the factors in subsection (3).
- (3) Those factors are—
  - (a) the likely cost of providing the services and the benefit which may be obtained by the services being provided,
  - (b) the availability of resources to provide the services,
  - (c) the appropriateness of applying those resources to provide the services, having regard to present and likely future demands for the provision of civil legal services under this Part,
  - (d) the importance for the individual of the matters in relation to which the services would be provided,

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*Status: Point in time view as at 01/04/2013.*

**Changes to legislation:** *Legal Aid, Sentencing and Punishment of Offenders Act 2012, Section 11 is up to date with all changes known to be in force on or before 15 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)*

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- (e) the nature and seriousness of the act, omission, circumstances or other matter in relation to which the services are sought,
  - (f) the availability to the individual of services provided other than under this Part and the likelihood of the individual being able to make use of such services,
  - (g) if the services are sought by the individual in relation to a dispute, the individual's prospects of success in the dispute,
  - (h) the conduct of the individual in connection with services made available under this Part or an application for such services,
  - (i) the conduct of the individual in connection with any legal proceedings or other proceedings for resolving disputes about legal rights or duties, and
  - (j) the public interest.
- (4) In setting the criteria, the Lord Chancellor must seek to secure that, in cases in which more than one form of civil legal service could be provided for an individual, the individual qualifies under this Part for the form of service which in all the circumstances is the most appropriate having regard to the criteria.
- (5) The criteria must reflect the principle that, in many disputes, mediation and other forms of dispute resolution are more appropriate than legal proceedings.
- (6) Regulations under subsection (1)(b) may provide that no criteria apply in relation to a prescribed description of individual or services.

**Status:**

Point in time view as at 01/04/2013.

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