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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Civil Legal Aid (Procedure) Regulations 2012 (“the Regulations”) make provision about the making and withdrawal of determinations that an individual qualifies for civil legal services under sections 9 and 10 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the Act”).

Part 1 defines expressions used in the Regulations (including the different forms of civil legal services which are available) and makes general provision. Regulation 11 makes provision about notification. Regulation 12 enables the functions of the Lord Chancellor and the Director of Legal Aid Casework (“the Director”) in the Regulations to be exercised by persons authorised by the Lord Chancellor or the Director respectively. Regulation 13 describes the circumstances in which the Director may disregard determinations. Regulation 14 excludes the Housing Possession Court Duty Scheme from the procedures set out in the Regulations. Regulation 15 makes provision about the making and withdrawal of determinations about legal persons (such as companies) under paragraph 3 of Schedule 3 to the Act.

Part 2 sets out the procedure for applications for a particular category of civil legal services which must be made to the Gateway. The services will be provided by specialist telephone providers as well as, in certain circumstances, face-to-face providers.

Part 3 sets out the procedure for making and withdrawing determinations about Controlled Work. Such determinations are formally made by the Director under the Regulations but that function may be delegated (following authorisation by the Director under section 5 of the Act).

Part 4 sets out the procedure for making and withdrawing determinations about Licensed Work (including requirements about the evidence to be provided with applications for particular services). Such determinations are formally made by the Director under the Regulations but that function may be delegated (following authorisation by the Director under section 5 of the Act). Part 4 provides for determinations to be made subject to conditions and limitations and to be recorded by a certificate. Part 4 also includes provision for the review of, and for appeals against, determinations and the amendment and withdrawal of determinations.

Part 5 sets out the procedure for making and withdrawing determinations about emergency representation (civil legal services provided on an urgent basis).

Part 6 sets out the procedure for making and withdrawing determinations about Special Case Work which includes high costs cases; multi-party actions; appeals to the Supreme Court; cases of significant wider public interest; cases which involve a breach of Convention rights; cases in which it is necessary for the effective administration of justice for particular providers to provide the services which are the subject of the application; and community actions.

Part 7 sets out the procedure for making and withdrawing determinations under section 9 of the Act about whether an individual qualifies for family mediation.

Part 8 sets out the procedure for making and withdrawing determinations under section 10 (exceptional cases) of the Act in relation to civil legal services which are not described in Part 1 of Schedule 1 to the Act.

An impact assessment relating to the requirement (in regulations 33 and 34) to provide evidence with an application is annexed to the Explanatory Memorandum which is available alongside these Regulations at [www.legislation.gov.uk](http://www.legislation.gov.uk). The impact assessment is also available from the Ministry of Justice at 102 Petty France, London, SW1H 9AJ.