
STATUTORY INSTRUMENTS

2012 No. 3098

The Civil Legal Aid (Procedure) Regulations 2012

PART 4

Licensed Work

Determinations: general

- 35.—**(1) A determination that an individual qualifies for Licensed Work must specify—
- (a) the maximum costs which may be incurred in providing the services to which the determination relates [^{F1}(“the services”)]; and
 - (b) any other limitations and conditions to which the determination is subject.

- (2) Where a limitation is exceeded or a condition is breached, the Director may—

- (a) withdraw the determination; or
- (b) amend the relevant limitation or condition.

[^{F2}(3) If the requirements in paragraph (4) are met, the Director may specify that a determination has effect from a date earlier than the date of the determination.

- (4) The requirements are that—

- (a) the application for the services was made as soon as reasonably practicable;
- (b) the Director is satisfied that—
 - (i) it was in the interests of justice for the services to be carried out prior to the date of the determination; and
 - (ii) the services could not have been carried out as Controlled Work; and
- (c) in the case of reconsidering a determination on review or following an appeal, having regard to all the circumstances, including the information that was available to the provider when the application for the services or the application for the review was made, the Director is satisfied that it is appropriate for the determination to have effect from the earlier date.

- (5) In paragraphs (3) and (4), “determination” includes a limitation or condition.]

Textual Amendments

- F1** Words in reg. 35(1)(a) inserted (20.2.2019) by [The Civil Legal Aid \(Procedure\) \(Amendment\) Regulations 2019 \(S.I. 2019/130\)](#), regs. 1(1), **2(2)(a)** (with reg. 3)
- F2** Reg. 35(3)-(5) inserted (20.2.2019) by [The Civil Legal Aid \(Procedure\) \(Amendment\) Regulations 2019 \(S.I. 2019/130\)](#), regs. 1(1), **2(2)(b)** (with reg. 3)

Changes to legislation:

The Civil Legal Aid (Procedure) Regulations 2012, Section 35 is up to date with all changes known to be in force on or before 17 May 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- [table of contents words inserted by S.I. 2016/561 reg. 2\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- [Sch. 1 para. 6A inserted by S.I. 2023/150 art. 7\(3\)\(a\)](#)