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STATUTORY INSTRUMENTS

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**2013 No. 104**

**The Civil Legal Aid (Merits Criteria) Regulations 2013**

**PART 4**

**GENERAL MERITS CRITERIA**

**Criteria for determinations for investigative representation**

**40.**—(1) An individual may qualify for investigative representation only if the Director is satisfied that the criteria in regulation 39 (standard criteria for determinations for legal representation) and the following criteria are met—

- (a) the prospects of success of the case are unclear and substantial investigative work is required before those prospects can be determined;
- (b) the Director has reasonable grounds for believing that, once the investigative work to be carried out under investigative representation is completed, the case will satisfy the criteria for full representation and, in particular, will meet the cost benefit criteria in regulation 42 and the prospects of success criterion in regulation 43; and
- (c) subject to paragraph (2), if the individual's claim is primarily a claim for damages or other sum of money in which the likely damages do not exceed £5,000, the case must be of significant wider public interest.

(2) For the purposes of paragraph (1)(c), if the claim forms part of a multi-party action only the lead claim within that action is capable of being a case of significant wider public interest.