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STATUTORY INSTRUMENTS

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**2013 No. 611**

**The Civil Legal Aid (Costs) Regulations 2013**

**PART 2**

**COST PROTECTION**

**Costs to which cost protection applies**

5. Except as provided by this Part, cost protection only applies to costs incurred by the receiving party in relation to proceedings which are, as regards the legally aided party, relevant proceedings.

**Parts of proceedings to which cost protection does not apply**

6. Cost protection does not apply in relation to—

- (a) parts of proceedings for which civil legal services are provided in the form of—
  - (i) help at court;
  - (ii) legal help, help with family mediation or family help (lower), except in the circumstances described by regulation 7;
- (b) parts of family proceedings for which civil legal services are provided in the form of—
  - (i) family help (higher);
  - (ii) legal representation.

**Cost protection in relation to legal help, help with family mediation or family help (lower)**

7. Cost protection applies where a legally aided party receives legal help, help with family mediation or family help (lower) in relation to proceedings (other than family proceedings) and later receives, in respect of the same proceedings—

- (a) family help (higher); or
- (b) legal representation.

**Periods during which cost protection applies**

8.—(1) Subject to paragraphs (2) and (3), cost protection applies in respect of costs incurred by the receiving party during the period in which civil legal services are being provided, whether before or after the commencement of proceedings.

(2) Cost protection does not apply to costs incurred by the receiving party—

- (a) before the date of issue of a certificate, except in the circumstances described by paragraph (3) and regulation 7;
- (b) after the date on which a determination that the legally aided party qualified for civil legal services has been withdrawn;
- (c) before, at the time of, or after the date of revocation of a determination.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (3) Where the Director makes a determination about emergency representation (other than a determination in relation to family proceedings to which cost protection does not apply) cost protection applies to costs incurred before the making of that determination, if—
- (a) the application for emergency representation could not be made because the office to which the application would ordinarily be made was closed; and
  - (b) the provider made the application at the first available opportunity.