

**2013 No. 754**

**LEGAL AID AND ADVICE, ENGLAND AND WALES**

**The Legal Aid (Financial Resources and Payment for Services)  
(Legal Persons) (Amendment) Regulations 2013**

<i>Made</i>	- - - -	<i>27th March 2013</i>
<i>Laid before Parliament</i>		<i>28th March 2013</i>
<i>Coming into force</i>	- -	<i>1st April 2013</i>

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by sections 21(2) and 41 of, and paragraph 6 of Schedule 3(a) to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012(b).

**Citation and commencement**

1. These Regulations may be cited as the Legal Aid (Financial Resources and Payment for Services) (Legal Persons) (Amendment) Regulations 2013 and come into force on 1st April 2013.

**Amendments to the Legal Aid (Financial Resources and Payment for Services) (Legal Persons) Regulations 2013**

2.—(1) The Legal Aid (Financial Resources and Payment for Services) (Legal Persons) Regulations 2013(c) are amended as follows.

(2) In regulation 10 (exceptions from requirement to make a determination in respect of a legal person's financial resources)—

(a) after paragraph (c) insert—

“(ca) family help (higher) or legal representation in relation to a matter which, if the legal person were an individual, would be a matter described in paragraph 18(3A)(d) (applications under Article 10 of the 2007 Hague Convention(e)) of Part 1 of Schedule 1 to the Act, where—

(i) the matter relates to any application under Article 10(1)(a) or (b) of the 2007 Hague Convention; and

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- (a) Paragraph 6 of Schedule 3 (legal aid for legal persons) provides that section 21 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) applies for the purposes of a determination under paragraph 3(1)(b) of that Schedule.
- (b) 2012 c. 10. Section 42(1) of the Act provides that in Part 1 of the Act “regulations” means regulations made by the Lord Chancellor.
- (c) S.I. 2013/512.
- (d) Paragraph 18(3A) was inserted by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1) Order 2013 (S.I. 2013/748).
- (e) The 2007 Hague Convention is defined in paragraph 18(5) of Part 1 of Schedule 1 to the Act (as inserted by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Amendment of Schedule 1) Order 2013 (S.I. 2013/748)) to mean the Convention on the international recovery of child support and other forms of family maintenance concluded at The Hague on 23 November 2007 (OJ No L 192, 22.7.11, p 51-70).

- (ii) Article 17(b) of that Convention applies;” and
- (b) in paragraph (d)(ii) after “21” insert—
  - “; and
  - (da) legal help, family help (lower), family help (higher) and legal representation in relation to a matter which, if the legal person were an individual, would be a matter described in paragraph 18(3A) (applications under Article 10 of the 2007 Hague Convention) of Part 1 of Schedule 1 to the Act, where the matter—
    - (i) relates to any application under Article 10(1)(a) or (b) of the 2007 Hague Convention; and
    - (ii) is an application made by a creditor under the 2007 Hague Convention concerning maintenance obligations arising from a parent-child relationship towards a person under the age of 21”.

Signed by authority of the Lord Chancellor

27th March 2013

*McNally*  
Minister of State  
Ministry of Justice

## EXPLANATORY NOTE

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

These Regulations amend the Legal Aid (Financial Resources and Payment for Services) (Legal Persons) Regulations 2013 (S.I. 2013/512) (the “principal Regulations”) to give effect to the Convention on the international recovery of child support and other forms of family maintenance concluded at The Hague on 23 November 2007 (“the 2007 Hague Convention”), for the recognition, enforcement or establishment of a decision in relation to maintenance. The amendments come into force on the same day that the principal Regulations come into force, 1st April 2013.

These Regulations amend regulation 10 of the principal Regulations. Regulation 10 sets out the exceptions from the requirement that the Director, before determining that a legal person qualifies for civil legal services, must make a determination that the legal person’s financial resources are such that the legal person is eligible for civil legal services. Therefore for the matters set out in regulation 10, the legal person will not be subject to a means test.

Regulation 2(2)(a) amends regulation 10 of the principal Regulations to provide that family help (higher) or legal representation are available for applications under Article 10(1)(a) or (b) of the 2007 Hague Convention, without being subject to a means test, where Article 17(b) of the Convention applies. Article 17(b) provides for free legal assistance if the legal person previously received legal aid for the matter in the State of origin.

Regulation 2(2)(b) amends regulation 10 of the principal Regulations to provide that legal help, family help (lower), family help (higher) and legal representation are available, without being subject to a means test, for applications under Article 10(1)(a) or (b) of the 2007 Hague Convention concerning maintenance obligations towards a person under the age of 21, arising from a parent-child relationship.

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STATUTORY INSTRUMENTS

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