

2014 No. 1824

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Civil Legal Aid (Procedure, Remuneration and Statutory Charge) (Amendment) Regulations 2014

<i>Made</i>	- - - -	<i>5th July 2014</i>
<i>Laid before Parliament</i>		<i>11th July 2014</i>
<i>Coming into force</i>	- -	<i>1st August 2014</i>

The Lord Chancellor makes the following Regulations(a) in exercise of the powers conferred by sections 2(3), 12(2), 12(3), 25(3) and 41(3)(b) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(b).

Citation and commencement

1. These Regulations may be cited as the Civil Legal Aid (Procedure, Remuneration and Statutory Charge) (Amendment) Regulations 2014 and come into force on 1st August 2014.

Amendments to the Civil Legal Aid (Procedure) Regulations 2012

2.—(1) The Civil Legal Aid (Procedure) Regulations 2012(c) are amended as follows.

(2) In regulation 2 (interpretation), in the definition beginning “2010 Standard Civil Contract”, for “and “2013 CLA Contract”” substitute “, “2013 CLA Contract” and “2014 Standard Civil Contract””.

(3) In each of—

- (a) regulation 20 (interpretation), in the definition of “relevant category”;
- (b) paragraph (1)(c) of regulation 23 (the application);
- (c) paragraph (4)(c) of regulation 31 (the application); and
- (d) paragraph (1) of regulation 67 (the application),

for “or 2013 Standard Civil Contract” substitute “, 2013 Standard Civil Contract or 2014 Standard Civil Contract”.

Amendments to the Civil Legal Aid (Remuneration) Regulations 2013

3.—(1) The Civil Legal Aid (Remuneration) Regulations 2013(d) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) Section 42(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) provides that in Part 1 of that Act “regulations” means regulations made by the Lord Chancellor.
(b) 2012 c. 10.
(c) S.I. 2012/3098, to which there are amendments not relevant to these Regulations.
(d) S.I. 2013/422; relevant amending instruments are S.I. 2014/7, 2014/586 and 2014/607.

- (a) in the definition of “Category Definition”, for “or the 2013 Standard Civil Contract” substitute “, the 2013 Standard Civil Contract or the 2014 Standard Civil Contract”;
- (b) in the definition of “the relevant contract”, after “the 2013 Individual Case Contract (Civil)” insert “, the 2014 Standard Civil Contract”; and
- (c) in the definition beginning “the 2010 Standard Civil Contract”, after “the 2013 Individual Case Contract (High Cost Civil)” insert “, the 2014 Standard Civil Contract”.

(3) In paragraph (3)(g) of regulation 5A (remuneration for civil legal services: judicial review), after “the 2013 CLA contract” insert “, the 2014 Standard Civil Contract”.

Amendments to the Civil Legal Aid (Statutory Charge) Regulations 2013

4. In regulation 2(1) (interpretation) of the Civil Legal Aid (Statutory Charge) Regulations 2013(a), in the definition of “legal aid only costs”—

- (a) in sub-paragraph (c) omit “or”; and
- (b) after sub-paragraph (d) insert—
 - “(e) the 2014 Standard Civil Contract; or
 - (f) the 2014 Standard Civil Contract (Welfare Benefits);”.

Signed by authority of the Lord Chancellor

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

5th July 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend three statutory instruments relating to the provision of civil legal services under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the Act”), as a result of the coming into force of the 2014 Standard Civil Contract on 1st August 2014. The 2014 Standard Civil Contract, which is made in accordance with section 2 of the Act, governs the provision of face-to-face work in the categories of Community Care and Mental Health.

Regulation 2 amends the Civil Legal Aid (Procedure) Regulations 2012 (S.I. 2012/3098), which make provision about the making and withdrawal of determinations that an individual qualifies for civil legal services under sections 9 and 10 of the Act. Regulation 2 makes minor amendments, to make reference to the 2014 Standard Civil Contract, in the provisions governing the procedures for making applications for Gateway Work, Controlled Work, Licensed Work and Exceptional Cases.

Regulation 3 amends the Civil Legal Aid (Remuneration) Regulations 2013 (S.I. 2013/422), which make provision about the payment by the Lord Chancellor to persons who provide civil legal services under arrangements made for the purposes of Part 1 of the Act, to enable remuneration to be paid to persons who provide civil legal services under the 2014 Standard Civil Contract.

Regulation 4 amends the Civil Legal Aid (Statutory Charge) Regulations 2013 (S.I. 2013/503), which make provision about the statutory charge which arises over money and other property preserved or recovered by a legally aided party in civil proceedings and over costs payable to the legally aided party by another party to the proceedings (“the charge”). Regulation 4 makes minor amendments to the definition of “legal aid only costs” to ensure that legal aid only costs as described under the 2014 Standard Civil Contract and 2014 Standard Civil Contract (Welfare

(a) S.I. 2013/503.

Benefits) are excepted from the charge on costs payable to a legally aided party and do not form part of the charge on costs recovered from another party to proceedings.

The contracts referred to in these Regulations are available at www.justice.gov.uk/legal-aid. Copies can be inspected at the Legal Aid Agency (Head Office) at 102 Petty France, London, SW1H 9AJ.

The impacts of the Government's programme of legal aid reform implemented through the Act are set out in an Impact Assessment, which was updated following the Act receiving Royal Assent. This is available at www.justice.gov.uk/legislation/bills-and-acts/acts/legal-aid-and-sentencing-act/laspo-background-information. An Impact Assessment has not been prepared specifically for this instrument.

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