

2017 No. 53

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Civil Legal Aid (Procedure) (Amendment) Regulations
2017**

Made - - - - - *25th January 2017*

Laid before Parliament *26th January 2017*

Coming into force in accordance with regulation 1

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by sections 12(2) and (3)(a) and (e), 41(1)(b) and 41(3)(a) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a).

Citation and commencement

1. These regulations may be cited as the Civil Legal Aid (Procedure) (Amendment) Regulations 2017 and come into force on the day after the day on which these Regulations are laid before Parliament.

Amendments to the Civil Legal Aid (Procedure) Regulations 2012

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

(2) In regulation 23(1)(d) (the application), after “the subject of the application” insert “(unless the Director has waived this requirement under paragraph (1A))”.

(3) After regulation 23(1), insert—

“(1A) The Director may waive the requirement in regulation 23(1)(d) if—

- (a) the application is for civil legal services described in paragraph 41 of Part 1 of Schedule 1 to the Act in the form of legal help;
- (b) the Director has determined that civil legal services in the same matter are to be made available to the individual under section 10 of the Act, and
- (c) the effective administration of justice test is satisfied.

(1B) If the Director, having waived the requirement in regulation 23(1)(d), determines that an individual qualifies for Controlled Work—

- (a) the Director may make the determination conditional upon the proposed provider entering into an individual case contract with the Lord Chancellor, and
- (b) the determination may specify that the determination is to be treated as having effect from a date earlier than the date of the determination.”.

(a) 2012 c. 10. Section 42(1) provides that in Part 1 of that Act “regulations” means regulations made by the Lord Chancellor.
(b) S.I. 2012/3098; relevant amending instruments are S.I. 2014/1824 and 2015/1678.

25th January 2017

Sir Oliver Heald QC
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 23 (the application) of the Civil Legal Aid (Procedure) Regulations 2012 (S.I. 2012/3098) (“the Procedure Regulations”). The Procedure Regulations make provision about the making and withdrawing of determinations that an individual qualifies for civil legal services under sections 9 and 10 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).

Regulation 2(3) of this instrument inserts a new regulation 23(1A) and (1B) into Part 3 (Controlled Work) of the Procedure Regulations. Regulation 23(1A) makes provision enabling the Director of Legal Aid Casework to waive one of the requirements about the content of an application for Controlled Work in relation to an inquest, in certain circumstances. Where the Director has waived that requirement, regulation 23(1B) provides that a determination about Controlled Work may be conditional upon the proposed provider entering into an individual case contract with the Lord Chancellor and that the determination may be backdated.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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