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DRAFT STATUTORY INSTRUMENTS

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**2013 No.**

**The Civil Legal Aid (Merits Criteria)  
(Amendment) (No. 2) Regulations 2013**

**PART 1**

**GENERAL AND AMENDMENTS**

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Civil Legal Aid (Merits Criteria) (Amendment) (No. 2) Regulations 2013 and come into force on 27th January 2014.

(2) In these Regulations—

“the Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012; and

“the Merits Criteria Regulations” means the Civil Legal Aid (Merits Criteria) Regulations 2013(1).

**Amendments to the Merits Criteria Regulations**

**2.**—(1) The Merits Criteria Regulations are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (b) of the definition of “private law children case”—

(a) after “(victims of domestic violence and family matters)” insert “or paragraph 15 (children who are parties to family proceedings)”; and

(b) for “it relates to” substitute “such provisions relate to”.

(3) In regulation 43 (prospects of success criterion for determinations for full representation), omit paragraph (b) and the “or” preceding it.

(4) In regulation 56 (criteria for determinations for full representation in relation to public law claims), omit paragraph (3)(b) and the “or” preceding it.

(5) In regulation 58 (criteria for determinations for full representation in relation to claims against public authorities)—

(a) in paragraph (1)(a), before “apply” insert “and regulation 43 (prospects of success criterion for determinations for full representation)”; and

(b) in paragraph (1)(b), for the words from “, regulation 42” to the end of paragraph (1)(b) substitute “and regulation 42 (cost benefit criteria) do not apply”; and

(c) for paragraph (1)(c) substitute—

“(c) paragraph (2) applies.”;

(d) omit paragraph (2)(b) and the “and” preceding it; and

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(1) [S.I. 2013/104](#), to which there are amendments not relevant to these Regulations.

- (e) omit paragraph (3).
- (6) In regulation 60(3)(b) (criteria for determinations for full representation in relation to immigration), omit “borderline or”.
- (7) In regulation 61 (criteria for determinations for full representation in relation to court orders for possession)—
  - (a) in paragraph (1)(a), before “apply” insert “and regulation 43 (prospects of success criterion for determinations for full representation)”;
  - (b) in paragraph (1)(b), for “41 to 44” substitute “41, 42 and 44”;
  - (c) in paragraph (2)(a), after “a defence to the claim;” insert “and”; and
  - (d) omit paragraph (2)(b).
- (8) In regulation 64(2) (standard criteria for determinations for full representation in relation to certain family disputes), omit sub-paragraph (c).
- (9) In each of—
  - (a) regulation 66(2)(b) (criteria for determinations for full representation in relation to public law children cases);
  - (b) regulation 67(2)(a) (criteria for determinations for full representation in relation to domestic violence cases); and
  - (c) regulation 68(2)(a) (criteria for determinations for full representation in relation to private law children cases and certain cases relating to EU and international agreements),for “very good, good, moderate or borderline” substitute “very good, good or moderate”.
- (10) In regulation 69(3)(b) (criteria for determinations for full representation in relation to other family cases to which specific merits criteria apply), omit “or borderline”.
- (11) After regulation 69(4)(b) insert—
  - “(ba) a determination for full representation in relation to any matter described in paragraph 15 of Part 1 of Schedule 1 to the Act (children who are parties to family proceedings), to the extent that regulations 64 and 68 do not apply;”.
- (12) In regulation 75 (criteria for determinations for legal representation in relation to legal persons), omit paragraph (3)(c)(ii) and the “or” preceding it.