
DRAFT STATUTORY INSTRUMENTS

2013 No.

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

PART 2

TRANSITIONAL PROVISIONS

Application

3. The amendments made by regulation 2 do not apply to a pre-commencement application for civil legal services.

Pre-commencement applications for civil legal services

4. In this Part, a “pre-commencement application for civil legal services” means an application for civil legal services that is—

- (a) made before 27th January 2014; or
- (b) a new application for civil legal services within the meaning of regulation 6.

5.—(1) For the purpose of regulation 4(a), an application is made before 27th January 2014 if the application is—

- (a) for Controlled Work and the application is signed and dated before 27th January 2014;
- (b) for Licensed Work or an exceptional case determination under section 10 of the Act, other than an application for emergency representation, and the application is—
 - (i) signed and dated before 27th January 2014 and received by the Director by 5.00pm on 3rd February 2014; or
 - (ii) submitted through the Client and Cost Management System before 27th January 2014; or
- (c) for emergency representation and the application—
 - (i) results in a determination being made by a provider before 27th January 2014 and that determination is notified within five working days of the determination to the Director;
 - (ii) is emailed or faxed to, and received by, the Director before 27th January 2014; or
 - (iii) is submitted through the Client and Cost Management System before 27th January 2014.

(2) In this regulation—

- (a) “Client and Cost Management System” means the client and cost management system used by the Director in relation to applications for civil legal services;
- (b) “emergency representation” means—

- (i) legal representation (within the meaning of regulation 18 of the Merits Criteria Regulations) that is not Controlled Work; or
- (ii) family help (higher) (within the meaning of regulation 15(3) of the Merits Criteria Regulations),

which is provided following a determination made on an urgent application;

- (c) “provider” means a person who provides civil legal services under Part 1 of the Act (legal aid); and
- (d) “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday for the purposes of paragraph 1 of Schedule 1 to the Banking and Financial Dealings Act 1971⁽¹⁾.

6.—(1) An application is a new application for civil legal services referred to in regulation 4(b) if either paragraph (2) or (3) applies.

(2) This paragraph applies where an individual makes an application for civil legal services on or after 27th January 2014 and the following conditions are met—

- (a) civil legal services have been provided to that individual as a result of a pre-commencement application for civil legal services under regulation 4(a) (“the original application”);
- (b) the further application for civil legal services relates to the same case for which civil legal services were provided as a result of the original application; and
- (c) the further application for civil legal services is—
 - (i) for a different form of civil legal services to that provided as a result of the original application; and
 - (ii) the different form of civil legal services falls within the same variety of work as the form of service for which civil legal services were provided as a result of the original application.

(3) This paragraph applies where an individual makes an application for civil legal services on or after 27th January 2014 and the following conditions are met—

- (a) civil legal services that are Licensed Work have been provided to that individual as a result of a pre-commencement application for civil legal services under regulation 4(a) (“the original application”);
 - (b) the further application for civil legal services relates to the case for which civil legal services were provided as a result of the original application; and
 - (c) as a result of the further application for civil legal services, the Director has decided in accordance with regulation 37(3)(b) of the Procedure Regulations that the certificate should cover more than one set of proceedings.
- (4) In this regulation “variety of work” means one of the following—
- (a) Controlled Work; or
 - (b) Licensed Work.

Interpretation of Part 2

7. In this Part—

“the Procedure Regulations” means the Civil Legal Aid (Procedure) Regulations 2012⁽²⁾;

(1) 1971 c. 80.
(2) S.I. 2012/3098.

“Controlled Work” has the meaning given in regulation 21(2) of the Procedure Regulations;
“form of civil legal services” has the meaning given in regulation 12(3) of the Merits Criteria
Regulations; and
“Licensed Work” has the meaning given in regulation 29(2) of the Procedure Regulations.