
STATUTORY INSTRUMENTS

2012 No. 3098

The Civil Legal Aid (Procedure) Regulations 2012

PART 2

Gateway Work

General

16.—(1) This Part makes provision about the making and withdrawal of determinations under section 9 of the Act about Gateway Work.

(2) Except as specifically provided in this Part, Part 3 (Controlled Work) applies to Gateway Work.

(3) Regulations 22(1) and 23(1)(d) do not apply to Gateway Work.

Applicants

17.—(1) An individual, other than an exempted person, must apply to the Gateway (established by the Lord Chancellor under section 2 of the Act) for a determination by the Director about Gateway Work.

(2) An exempted person may apply for a determination by the Director about Gateway Work to—

- (a) the Gateway; or
- (b) a face-to-face provider.

The application

18. An application to the Gateway may be made by—

- (a) telephone;
- (b) email;
- (c) electronic format made available by the Lord Chancellor for the purpose of such applications; or
- (d) post.

Determinations

19.—(1) Where a determination is made that an individual qualifies for Gateway Work, the determination must specify whether the services are to be provided by—

- (a) a specialist telephone provider; or
- (b) a face-to-face provider.

(2) A determination described in paragraph (1) may be amended to change the description of the provider specified in the determination.

Interpretation

20. In this Part—

“debt matter” means—

- (a) a matter described in paragraph 33(1)(a) of Part 1 of Schedule 1 to the Act that relates to a court order for sale of the individual’s home;
- (b) a matter described in paragraph 33(1)(a) of Part 1 of Schedule 1 to the Act that relates to a court order for possession of the individual’s home arising out of a failure to make payments due under a mortgage; or
- (c) a matter described in paragraph 33(2) of Part 1 of Schedule 1 to the Act;

“exempted person” means an individual who—

- (a) has been deprived of their liberty;
- (b) is a child; or
- (c) is a previously assessed person with a linked problem;

“Gateway discrimination matter” means a matter described in paragraph 43 of Part 1 of Schedule 1 to the Act, except where the matter to which the alleged contravention of the Equality Act 2010(1) or previous discrimination enactment relates is a matter described in a relevant category;

“Gateway Work” means the provision of legal help by a specialist telephone provider or a face-to-face provider in—

- (a) a matter described in paragraph 2 of Part 1 of Schedule 1 to the Act;
- (b) a debt matter; or
- (c) a Gateway discrimination matter;

“linked problem” means a matter arising out of or related to a matter in relation to which Gateway Work was provided by a face-to-face provider;

“previously assessed person” means an individual—

- (a) in respect of whom a determination has been made within the previous twelve months that the individual qualifies for Gateway Work to be provided by a face-to-face provider; and
- (b) who is applying for Gateway Work from the same face-to-face provider in relation to a linked problem; and

“relevant category” means any of the following categories in the Category Definitions that form part of the 2010 Standard Civil Contract or 2013 Standard Civil Contract: Actions Against the Police; Clinical Negligence; Community Care; Family; Housing; Immigration and Asylum; Mental Health; Public Law; or Welfare Benefits.