
STATUTORY INSTRUMENTS

2012 No. 3098

The Civil Legal Aid (Procedure) Regulations 2012

PART 5

Emergency Representation

General

50.—(1) This Part makes provision about the making and withdrawal of determinations under section 9 of the Act about emergency representation.

(2) Except as specifically provided in this Part, determinations about emergency representation must be made and withdrawn in accordance with the provisions of these Regulations which would have applied had the application not been made on an urgent basis.

(3) Regulation 42(3) does not apply in relation to emergency representation.

The application

51.—(1) An individual may make an application for emergency representation by such method (including by fax, telephone or e-mail) as the Director has agreed to accept given the urgency of the particular circumstances.

(2) The application must specify whether the emergency representation is to be provided as Licensed Work or under an individual case contract.

Determinations

52.—(1) A determination that an individual qualifies for emergency representation—

- (a) must be made subject to a specified time limit; and
- (b) may be made on the basis of limited information and documents if the Director considers that it would be in the interests of justice to do so.

(2) A determination made on the basis of limited information and documents—

- (a) must be made conditional upon the provision, within a specified time limit, of the information and documents which would have been required had the application not been made on an urgent basis;
- (b) may be disregarded if the condition is not satisfied within the specified time limit; and
- (c) must be revoked where, following the provision of further information and documents, the Director determines that the individual does not qualify for legal representation or family help (higher) in accordance with section 21 of the Act and regulations made under that section.

(3) Where, following the provision of further information and documents—

- (a) the Director determines that the individual qualifies for legal representation subject to a condition requiring the payment of a contribution in accordance with regulation 36; and

Changes to legislation: The Civil Legal Aid (Procedure) Regulations 2012, PART 5 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(b) the individual does not agree to pay, or arrange payment of, the contribution described in sub-paragraph (a),
the determination in relation to emergency representation may be revoked or withdrawn.

Appeal

53.—(1) An individual may not appeal—

- (a) against a determination that the individual does not qualify for emergency representation made on the basis of limited information and documents; or
- (b) the withdrawal of a determination about emergency representation on the basis only of the expiry of a time limit.

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Changes and effects yet to be applied to :

- [table of contents words inserted by S.I. 2016/561 reg. 2\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 6A inserted by [S.I. 2023/150 art. 7\(3\)\(a\)](#)