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STATUTORY INSTRUMENTS

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**2012 No. 3098**

**The Civil Legal Aid (Procedure) Regulations 2012**

**PART 4**

**Licensed Work**

**The application**

**31.**—(1) An application for Licensed Work must be made in writing in a form specified by the Lord Chancellor and signed by the individual and proposed provider.

(2) Except as provided in paragraph (3), the application must be in English unless—

- (a) the individual resides in or is present in Wales; or
- (b) the application relates to proceedings which may be heard in Wales,

in which case the application may be in English or Welsh.

(3) Where the individual resides outside the European Union and is not present in England and Wales when the application is made, the application must—

- (a) be in English or French;
- (b) include a written statement of the individual's financial resources; and
- (c) be verified by a statement that the individual believes that the facts stated in the application are true.

(4) The application must specify—

- (a) the form of civil legal services to which the application relates;
- (b) the matter to which the application relates;
- (c) the category within which the civil legal services fall (as described in the Category Definitions that form part of the 2010 Standard Civil Contract or 2013 Standard Civil Contract); and
- (d) a proposed provider with whom the Lord Chancellor has made an arrangement under section 2(1) of the Act for the provision of the services which are the subject of the application (unless the effective administration of justice test described in paragraph (5) is satisfied).

(5) The effective administration of justice test is satisfied if the Director decides that it is necessary for a provider to provide the services which are the subject of the application under an individual case contract having considered—

- (a) the provider's knowledge of the particular proceedings or dispute and expertise in providing the civil legal services which are the subject of the application;
- (b) the nature and likely length of the particular proceedings or dispute;
- (c) the complexity of the issues; and
- (d) the circumstances of the individual making the application.

(6) The individual must provide any additional information or documents requested by the Director in order to make a determination in relation to the application.

(7) Where additional information or documents are requested in accordance with paragraph (6), the application may not be considered until the requested information or documents are provided.

(8) An application for civil legal services described in paragraph 32(1) of Part 1 of Schedule 1 to the Act must be made within—

(a) twelve months of the date of a conclusive determination described in paragraph 32(1)(a) of Part 1 of Schedule 1 to the Act; or

(b) a period beginning with the date of a determination by a competent authority described in paragraph 32(6) of Part 1 of Schedule 1 to the Act and ending with the date on which the applicant's leave to remain in the United Kingdom (outside the rules made under section 3(2) of the Immigration Act 1971<sup>(1)</sup>) comes to an end,

whichever is longer.

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(1) 1971 c. 77.