
STATUTORY INSTRUMENTS

2012 No. 3098

The Civil Legal Aid (Procedure) Regulations 2012

PART 6

Special Case Work

Special controls

58.—(1) Special Case Work to be provided in the circumstances described in—

- (a) regulation 54(3)(c), (d), (e) and (g); and
- (b) regulation 54(3)(b) where the Director has reasonable grounds to believe that the likely costs would exceed £250,000,

is subject to special controls.

(2) The provisions about appeals in Part 4 (Licensed Work) do not apply to Special Case Work subject to special controls.

(3) Where the individual remains dissatisfied following a review about Special Case Work subject to special controls, the individual may appeal to the Special Controls Review Panel appointed by the Lord Chancellor (“the Panel”) under section 2 of the Act unless the determination in question is—

- (a) a determination under section 21 of the Act; or
- (b) a determination that the services which are the subject of the application are not civil legal services described in Part 1 of Schedule 1 to the Act.

(4) The Director may refer to the Panel any issue which is relevant to a determination or the withdrawal of a determination about Special Case Work subject to special controls.

(5) Appeals and issues referred to the Panel must be considered without a hearing unless the Panel considers that it is in the interests of justice for the individual, the Director or any person authorised by the individual or the Director to make oral representations before the Panel.

(6) The Panel may—

- (a) confirm the determination or withdrawal of a determination; or
- (b) report to the Director its views on the case and any issues referred by the Director.

(7) The Panel must—

- (a) give written reasons for its findings; and
- (b) send a copy of the confirmation or report to the Director and the individual.

(8) The individual or any person authorised by the individual may make further written representations to the Director about the Panel's findings or any issue addressed in the Panel's report.

(9) The Director must—

- (a) consider the Panel's report and any further representations;
- (b) make a determination on the issues raised in the report;
- (c) give written reasons for any determination;

Changes to legislation: The Civil Legal Aid (Procedure) Regulations 2012, Section 58 is up to date with all changes known to be in force on or before 24 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](#)

- (d) send a copy of the determination with written reasons to the individual; and
 - (e) ensure that any certificate accurately records the civil legal services for which an individual qualifies following an appeal.
- (10) A determination by the Panel about the prospects of success made in accordance with the criteria set out in regulations made under section 11 of the Act is binding on the Director.

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[View outstanding changes](#)

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\(3\)\(a\)](#)