
STATUTORY INSTRUMENTS

2013 No. 104

The Civil Legal Aid (Merits Criteria) Regulations 2013

PART 2

FORM OF CIVIL LEGAL SERVICES

Form of civil legal services

12.—(1) Subject to Part 3 (availability of forms of civil legal services), when determining whether an individual qualifies for civil legal services under Part 1 of the Act, the Director must apply the merits criteria which are relevant to each form of civil legal services set out in paragraph (3).

(2) Subject to Part 3 (availability of forms of civil legal services), when determining whether a legal person qualifies for civil legal services under Part 1 of the Act by virtue of the criteria in Chapter 8 of Part 6, the Director must apply the merits criteria which are relevant to each of the forms of civil legal services set out in paragraph (3)(a) or (f).

(3) “Form of civil legal services” means—

- (a) legal help;
- (b) help at court;
- (c) family help;
- (d) family mediation;
- (e) help with family mediation;
- (f) legal representation; and
- (g) other legal services,

which are further defined in regulations [13](#) to [19](#).

Legal help

13. “Legal help” means the provision of civil legal services other than—

- (a) acting as a mediator or arbitrator;
- (b) issuing or conducting court proceedings;
- (c) instructing an advocate in proceedings;
- (d) preparing to provide advocacy in proceedings; or
- (e) advocacy in proceedings.

Help at court

14. “Help at court” means the provision of any of the following civil legal services at a particular hearing—

- (a) instructing an advocate;

- (b) preparing to provide advocacy; or
- (c) advocacy.

Family help

15.—(1) Family help may be provided in a family dispute as either family help (lower) or family help (higher).

(2) “Family help (lower)” means—

- (a) civil legal services provided in relation to the negotiation of a family dispute before the issuing of proceedings; or
- (b) civil legal services provided in relation to the issuing of proceedings in order to obtain a consent order following the settlement of a family dispute.

(3) “Family help (higher)” means such civil legal services as are available under legal representation but does not include preparation for, or representation at, a contested final hearing or appeal.

Family mediation

16.—(1) “Family mediation” means the provision of any of the following civil legal services, in a family dispute—

- (a) an assessment by a mediator of whether, in the light of all the circumstances, a case is suitable for mediation; or
- (b) acting as a mediator.

(2) In this regulation, “mediator” means a mediator with whom the Lord Chancellor has made an arrangement under section 2(1) of the Act (arrangements).

Help with family mediation

17. “Help with family mediation” means the provision of any of the following civil legal services, in relation to a family dispute—

- (a) civil legal services provided in relation to family mediation; or
- (b) civil legal services provided in relation to the issuing of proceedings to obtain a consent order following the settlement of the dispute following family mediation.

Legal representation

18.—(1) Legal representation may be provided as either investigative representation or full representation.

(2) “Legal representation” means the provision of civil legal services, other than acting as a mediator or arbitrator, to an individual or legal person in particular proceedings where that individual or legal person—

- (a) is a party to those proceedings;
- (b) wishes to be joined as a party to those proceedings; or
- (c) is contemplating issuing those proceedings.

(3) “Investigative representation” means legal representation which is limited to the investigation of the strength of the contemplated proceedings and includes the issuing and conducting of proceedings but only so far as necessary—

- (a) to obtain disclosure of information relevant to the prospects of success of the proceedings;

- (b) to protect the position of the individual or legal person applying for investigative representation in relation to an urgent hearing; or
 - (c) to protect the position of the individual or legal person applying for investigative representation in relation to the time limit for the issue of the proceedings.
- (4) “Full representation” means legal representation other than investigative representation.

Other legal services

19. “Other legal services” means the provision of any of the following civil legal services—

- (a) instructing an advocate;
- (b) preparing to provide advocacy; or
- (c) advocacy,

in proceedings in relation to which the Director, having applied the relevant merits criteria in accordance with regulations 48 to 50 (application of the merits criteria in exceptional cases), has made a determination under section 10(2)(b) or (4)(c)(exceptional cases) of the Act.