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## STATUTORY INSTRUMENTS

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# 2013 No. 104

## The Civil Legal Aid (Merits Criteria) Regulations 2013

### PART 6

#### SPECIFIC MERITS CRITERIA

##### CHAPTER 2

##### Public law

#### Criteria for determinations for full representation in relation to public law claims

**56.**—(1) For the purposes of a determination for full representation in relation to a public law claim—

- (a) the criteria in regulations 41 to 44 (criteria for determinations for full representation) do not apply;
- (b) the Director must be satisfied that the criteria in regulation 53 (standard criteria for determinations for legal representation in relation to public law claims) are met; and
- (c) the criteria in paragraphs (2) and (3) apply.

(2) An individual may qualify for full representation in relation to a public law claim only if the Director is satisfied that—

- (a) the individual has sent a letter before claim to the proposed defendant (except where this is impracticable), and where such a letter has been sent, the proposed defendant has been given a reasonable time to respond;
- (b) the proportionality test is met; and
- (c) the criterion in paragraph (3) is met.

[<sup>F1</sup>(3) The Director must be satisfied that the prospects of successfully obtaining the substantive order sought in the proceedings are—

- (a) very good, good or moderate; or
- (b) borderline or marginal, and—
  - (i) the case is of significant wider public interest;
  - (ii) the case is one with overwhelming importance to the individual; or
  - (iii) the substance of the case relates to a breach of Convention rights.]

**F1** Reg. 56(3) substituted (22.7.2016) by [The Civil Legal Aid \(Merits Criteria\) \(Amendment\) Regulations 2016 \(S.I. 2016/781\)](#), regs. 1(1), **2(5)** (with reg. 3)

**Changes to legislation:**

The Civil Legal Aid (Merits Criteria) Regulations 2013, Section 56 is up to date with all changes known to be in force on or before 01 March 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.

[View outstanding changes](#)

**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):

- reg. 11(9)(e) and word inserted by [2022 c. 36 s. 25\(3\)](#)
- reg. 11(9)(f) and word inserted by [2023 c. 37 s. 56\(5\)\(b\)](#)