
STATUTORY INSTRUMENTS

2013 No. 104

The Civil Legal Aid (Merits Criteria) Regulations 2013

PART 6

SPECIFIC MERITS CRITERIA

CHAPTER 5

Housing

Criteria for determinations for full representation in relation to court orders for possession

61.—(1) For the purposes of a determination for full representation in relation to any matter described in paragraph 33(1)(a) of Part 1 of Schedule 1 to the Act (court orders for sale or possession of the individual's home), to the extent that it relates to court orders for possession of the individual's home, the criteria in—

- (a) regulation 39 (standard criteria for determinations for legal representation) ^{F1} ... apply;
 - (b) regulations [^{F2}41 to 44] (criteria for determinations for full representation) do not apply; and
 - (c) paragraph (2) apply.
- (2) The Director must be satisfied that the following criteria are met—
- (a) if the individual is the defendant to a claim for possession, the individual has a defence to the claim; ^{F3} ...
 - [^{F4}(b) the prospects of success are very good, good, moderate, borderline or marginal; and]
 - (c) the proportionality test is met.

F1 Words in reg. 61(1)(a) omitted (22.7.2016) by virtue of [The Civil Legal Aid \(Merits Criteria\) \(Amendment\) Regulations 2016 \(S.I. 2016/781\)](#), regs. 1(1), **2(8)(a)** (with reg. 3)

F2 Words in reg. 61(1)(b) substituted (22.7.2016) by [The Civil Legal Aid \(Merits Criteria\) \(Amendment\) Regulations 2016 \(S.I. 2016/781\)](#), regs. 1(1), **2(8)(b)** (with reg. 3)

F3 Word in reg. 61(2)(a) omitted (22.7.2016) by virtue of [The Civil Legal Aid \(Merits Criteria\) \(Amendment\) Regulations 2016 \(S.I. 2016/781\)](#), regs. 1(1), **2(8)(c)** (with reg. 3)

F4 Reg. 61(2)(b) inserted (22.7.2016) by [The Civil Legal Aid \(Merits Criteria\) \(Amendment\) Regulations 2016 \(S.I. 2016/781\)](#), regs. 1(1), **2(8)(d)** (with reg. 3)

Changes to legislation:

The Civil Legal Aid (Merits Criteria) Regulations 2013, Section 61 is up to date with all changes known to be in force on or before 24 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\(5\)\(b\)](#)