

## STATUTORY INSTRUMENTS

# 2013 No. 104

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

### PART 6

#### SPECIFIC MERITS CRITERIA

#### CHAPTER 6

#### Family

#### Criteria for determinations for full representation in relation to private law children cases and certain cases relating to <sup>F1</sup>Transitional EU arrangements] and international agreements

**68.**—(1) For the purposes of a relevant determination the criteria in regulation 64 (standard criteria for determinations for full representation in relation to certain family disputes) apply in addition to the criteria in <sup>F2</sup>paragraphs (2) and (2A)].

<sup>F3</sup><sup>F4</sup>(2) The Director is satisfied that the prospects of success are very good, good, moderate, borderline or marginal.]

(2A) The Director is satisfied that the reasonable private paying individual test is met.]

(3) In this regulation, a relevant determination is a determination for full representation in relation to—

- (a) a private law children case;
- (b) any matter described in paragraph 17(1) (<sup>F5</sup>Transitional EU arrangements] and international agreements concerning children) of Part 1 of Schedule 1 to the Act, to the extent that regulations 11(9)(c) and 65 do not apply; or
- (c) any matter described in paragraph 18(1) (<sup>F6</sup>Transitional EU arrangements] and international agreements concerning maintenance) of Part 1 of Schedule 1 to the Act, to the extent that regulation 65 does not apply.

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| <b>F1</b> | Words in reg. 68 title substituted (31.12.2020) by <a href="#">The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019</a> (S.I. 2019/519), reg. 1(1), <b>Sch. para. 41(6)(a)</b> (with reg. 8) (as amended by <a href="#">S.I. 2020/1574</a> , regs. 1, <b>5(2)</b> ); 2020 c. 1, <b>Sch. 5 para. 1(1)</b>    |
| <b>F2</b> | Words in reg. 68(1) substituted (27.7.2015) by <a href="#">The Civil Legal Aid (Merits Criteria) (Amendment) (No. 2) Regulations 2015</a> (S.I. 2015/1571), regs. 1, <b>2(9)(a)</b> (with reg. 3)  |
| <b>F3</b> | Reg. 68(2)(2A) substituted for reg. 68(2) (27.7.2015) by <a href="#">The Civil Legal Aid (Merits Criteria) (Amendment) (No. 2) Regulations 2015</a> (S.I. 2015/1571), <b>regs. 1, 2(9)(b)</b> (with reg. 3)  |
| <b>F4</b> | Reg. 68(2) substituted (22.7.2016) by <a href="#">The Civil Legal Aid (Merits Criteria) (Amendment) Regulations 2016</a> (S.I. 2016/781), regs. 1(1), <b>2(11)</b> (with reg. 3)   |
| <b>F5</b> | Words in reg. 68(3)(b) substituted (31.12.2020) by <a href="#">The Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019</a> (S.I. 2019/519), reg. 1(1), <b>Sch. para. 41(6)(b)(i)</b> (with reg. 8) (as amended by <a href="#">S.I. 2020/1574</a> , regs. 1, <b>5(2)</b> ); 2020 c. 1, <b>Sch. 5 para. 1(1)</b> |

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**Changes to legislation:** *The Civil Legal Aid (Merits Criteria) Regulations 2013, Section 68 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. (See end of Document for details) [View outstanding changes](#)*

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**F6** Words in reg. 68(3)(c) substituted (31.12.2020) by [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/519\)](#), reg. 1(1), **Sch. para. 41(6)(b)(ii)** (with reg. 8) (as amended by S.I. 2020/1574, regs. 1, **5(2)**); 2020 c. 1, **Sch. 5 para. 1(1)**

**Changes to legislation:**

The Civil Legal Aid (Merits Criteria) Regulations 2013, Section 68 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.

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**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\(5\)\(b\)](#)