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STATUTORY INSTRUMENTS

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**2013 No. 480**

**The Civil Legal Aid (Financial Resources  
and Payment for Services) Regulations 2013**

**PART 2**

Determinations in respect of an individual's financial resources

**CHAPTER 1**

Financial eligibility limits and waivers

**Individuals in receipt of certain support**

**6.—(1)** Where the Director is satisfied that the individual is in receipt, directly or indirectly, of support provided under section 4(1) or 95(2) of the Immigration and Asylum Act 1999(3), the Director must determine that the individual's financial resources are such that the individual is eligible for—

- (a) legal help in relation to any matter described in paragraphs 24 to 30 (immigration and asylum) and 32(1) (victims of trafficking in human beings) of Part 1 of Schedule 1 to the Act;
- (b) help at court and legal representation for proceedings in—
  - (i) the Immigration and Asylum Chamber of the First-tier Tribunal(4); and
  - (ii) the Immigration and Asylum Chamber of the Upper Tribunal(5) in relation to an appeal or review from the Immigration and Asylum Chamber of the First-tier Tribunal.

(2) Subject to paragraph (4), where the Director is satisfied that the individual is properly in receipt, directly or indirectly, of—

- (a) income support paid under section 124 of the Social Security Contributions and Benefits Act 1992(6) or section 123 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(7);
- (b) income-based jobseeker's allowance paid under the Jobseekers Act 1995(8) or Part II of the Jobseekers (Northern Ireland) Order 1995(9);

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- (1) Section 4 was amended by section 49 of the Nationality, Immigration and Asylum Act 2002 (c. 41); section 10(1) and (6) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19); and section 43(7) of the Immigration, Asylum and Nationality Act 2006 (c. 13).
- (2) Section 95 was amended by section 50(1) of the Nationality, Immigration and Asylum Act 2002 (c. 41). Section 95 will be amended by section 44(6) of the Nationality, Immigration and Asylum Act 2002 at a date to be appointed.
- (3) 1999 c. 33.
- (4) The Immigration and Asylum Chamber of the First-tier Tribunal is allocated these functions under article 5 of S.I. 2010/2655.
- (5) The Immigration and Asylum Chamber of the Upper Tribunal is allocated these functions under article 11(a) and (b) of S.I. 2010/2655.
- (6) 1992 c. 4. Section 124 is to be repealed by Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c. 5) at a date to be appointed.
- (7) 1992 c. 7.
- (8) 1995 c. 18.

- (c) guarantee credit paid under section 1(3)(a) of the State Pension Credit Act 2002<sup>(10)</sup> or section 1(3)(a) of the State Pension Credit Act (Northern Ireland) 2002<sup>(11)</sup>;
- (d) income-related employment and support allowance paid under Part 1 of the Welfare Reform Act 2007<sup>(12)</sup> or section 1(2)(b) of the Welfare Reform Act (Northern Ireland) 2007<sup>(13)</sup>; or
- (e) universal credit paid under Part 1 of the Welfare Reform Act 2012<sup>(14)</sup>,

the Director must determine that the individual's financial resources are such that the individual is eligible for all forms of civil legal services without paying (where applicable) any contributions.

(3) Subject to paragraph (4), where the Director is satisfied that the individual is properly in receipt, directly or indirectly, of a means-tested benefit or support paid by another EU Member State that is equivalent to a benefit or support listed in paragraph (2), the Director must determine that the individual's financial resources are such that the individual is eligible for legal help or legal representation in relation to a matter described in paragraph 44 (cross-border disputes) of Part 1 of Schedule 1 to the Act without paying (where applicable) any contributions.

- (4) If the individual's disposable capital—
  - (a) exceeds £8,000, the Director must determine that the individual's financial resources are such that the individual is not eligible for civil legal services; and
  - (b) exceeds £3,000 but does not exceed £8,000, the individual must pay a contribution out of capital in accordance with regulation 44<sup>(3)</sup>.

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(9) S.I. 1995/2705 (N.I. 15).

(10) 2002 c. 16.

(11) 2002 c. 14.

(12) 2007 c. 5.

(13) 2007 c. 2.

(14) 2012 c. 5.