

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Civil Legal Aid (Statutory Charge) Regulations 2013 (“the Regulations”) make provision about the statutory charge which arises over money and other property preserved or recovered by a legally aided party in civil proceedings and over costs payable to the legally aided party by another party to the proceedings (“the charge”).

The charge arises under section 25(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Part 2 of the Regulations makes provision about the calculation and operation of the charge and makes exceptions to it (regulations 4 to 6, 10 and 11). Regulation 7 determines when the charge is in favour of the Lord Chancellor and a provider of civil legal services, respectively. Regulations 8 and 9 make provision about when the charge may be waived in specified circumstances.

Part 3 of the Regulations makes provision about the enforcement of the charge, including the obligations on providers and the Lord Chancellor in relation to the transfer, retention and payment of money (including costs) which is subject to the charge (regulations 12 to 17). Regulations 18 to 25 provide for the enforcement of the charge by the Lord Chancellor, providers and the legally aided party, and make provision for postponement of the charge and the payment of interest.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Legal Aid (Statutory Charge) Regulations 2013.