

## SCHEDULE

Article 3

### Modification of enactments

#### **Modification of the Legal Aid, Sentencing and Punishment of Offenders Act 2012**

1.—(1) The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is modified as follows.

(2) Part 1 of Schedule 1 (civil legal services) has effect as if after paragraph 46 there were inserted—

*“Early legal advice in relation to housing, debt and welfare benefits*

47.—(1) Civil legal services provided to an individual in relation to—

- (a) housing;
- (b) debt;
- (c) a benefit, allowance, payment, credit or pension under—
  - (i) a social security enactment;
  - (ii) the Vaccine Damage Payments Act 1979<sup>(1)</sup>;
  - (iii) Part 4 of the Child Maintenance and Other Payments Act 2008<sup>(2)</sup>;
- (d) a council tax reduction scheme.

#### *General exclusions*

(2) Sub-paragraph (1) is subject to the exclusions in Part 2 of this Schedule, with the exception of paragraphs 1 and 15 of that Part.

#### *Specific exclusions*

(3) The services described in sub-paragraph (1) do not include advocacy.

(4) The services described in sub-paragraph (1) do not include the provision of more than three hours of advice and assistance in total—

- (a) in respect of any one or more of those services;
- (b) by one or more providers of those services.

(5) The services described in sub-paragraph (1) only include services provided to an individual who is a pilot scheme participant in relation to the Early Legal Advice Pilot Scheme.

#### *Definitions*

(6) In this paragraph—

- (a) “council tax reduction scheme” has the meaning given in paragraph 8A(4);
- (b) “the Early Legal Advice Pilot Scheme” means the pilot scheme established by the Early Legal Advice Pilot Scheme Order 2022;
- (c) “home” has the meaning given in paragraph 33(9) to (13);
- (d) “housing” means matters which concern—

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(1) 1979 c. 17.

(2) 2008 c. 6.

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- (i) the possession, status, terms of occupation, repair, improvement, eviction from, quiet enjoyment of, or payment of rent or other charges for, an individual's home;
- (ii) the rights of leaseholders under the terms of their lease or under any statutory provision (including in relation to leasehold enfranchisement);
- (iii) the allocation and transfer of housing and the provision of sites for occupation, but does not include disputes relating to any boundary of a property;
- (e) "pilot scheme participant" has the meaning given in article 4(1) of the Early Legal Advice Pilot Scheme Order 2022;
- (f) "social security enactment" has the meaning given in paragraph 8(3)."

### **Modification of the Civil Legal Aid (Merits Criteria) Regulations 2013**

- 2.—(1) The Civil Legal Aid (Merits Criteria) Regulations 2013(3) are modified as follows.
- (2) Regulation 11 (qualifying for civil legal services) has effect as if—
- (a) the "or" after paragraph (9)(c) were omitted,
  - (b) after paragraph (9)(d) there were inserted—
    - “; or
    - (da) in relation to any matter described in paragraph 47 of Part 1 of Schedule 1 to the Act (early legal advice in relation to housing, debt and welfare benefits).”.

### **Modification of the Civil Legal Aid (Remuneration) Regulations 2013**

- 3.—(1) The Civil Legal Aid (Remuneration) Regulations 2013(4) are modified as follows.
- (2) Regulation 2(1) has effect as if—
- (a) in the definition of "relevant contract"—
    - (i) after "(Welfare benefits)" in the second place it occurs, the "or" were omitted;
    - (ii) after the definition of "the 2018 Standard Civil Contract" there were inserted "or the Early Legal Advice Pilot Scheme Contract";
  - (b) in the final paragraph—
    - (i) after "(Welfare Benefits)" in the second place it occurs, the "and" were omitted;
    - (ii) after "the 2018 Standard Civil Contract" there were inserted "and the Early Legal Advice Pilot Scheme Contract".
- (3) Schedule 1 has effect as if—
- (a) in paragraph 1 (interpretation), after sub-paragraph (2) there were inserted—
    - “(2A) In this Schedule “the Early Legal Advice Pilot” means the pilot scheme established by the Early Legal Advice Pilot Scheme Order 2022.”,
  - (b) in Part 1 (civil standard and graduated fees), after Table 1 there were inserted—

(3) [S.I. 2013/104](#), as amended by [S.I. 2019/519](#). There are other amendments to this instrument but none is relevant.

(4) [S.I. 2013/422](#), as amended by [2013/2877](#), [2014/7](#) and [586](#), [2015/325](#), [2016/983](#), [2020/100](#), [515](#) and [1001](#). There are other amendments to this instrument but none is relevant.

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“Table 1A

| <i>Category Definition</i>                             | <i>Standard Fee</i> |
|--|---------------------|
| Legal help provided under the Early Legal Advice Pilot | £200.70”,           |

(c) in Part 2 (hourly rates – controlled work), after Table 7(d) there were inserted—

“Table 7(da): Early Legal Advice Pilot

| <i>Activity</i>                            | <i>Non-London Rate</i> |
|--|------------------------|
| Preparation and Attendance                 | £57.43 per hour        |
| Travel and Waiting Time                    | £32.17 per hour        |
| Routine Letters(5) Out and Telephone Calls | £4.56 per item”.       |

**Modification of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013**

4.—(1) The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013(6) are modified as follows.

(2) Regulation 5 (exceptions from requirement to make a determination in respect of an individual’s financial resources) has effect as if—

- (a) the “and” after paragraph (1)(ka) were omitted,
- (b) after paragraph (1)(l) there were inserted—

“; and

- (la) civil legal services provided in relation to any matter described in paragraph 47 of Part 1 of Schedule 1 to the Act (early legal advice in relation to housing, debt and welfare benefits).”.

(5) An explanation of “routine letter” is contained in the guidance published by the Lord Chancellor under section 2 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. The guidance can be found at <https://www.gov.uk/guidance/funding-and-costs-assessment-for-civil-and-crime-matters> and a hard copy can be obtained from Ministry of Justice, 102 Petty France, London, SW1H 9AJ.

(6) S.I. 2013/480. Regulation 5 is amended by S.I. 2013/753, 2014/812 and 2701, 2016/211, and 2019/519. There are other amendments to this instrument but none is relevant.