
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Legal Aid, Sentencing and Punishment of Offenders
Act 2012 (Amendment of Schedule 1) Order 2014

PART 3

Transitional provisions

Application

4. The amendments made by articles 2 and 3 to Schedule 1 to the Act do not apply to a pre-commencement application for civil legal services.

Pre-commencement applications for civil legal services

5. In this Part, a “pre-commencement application for civil legal services” means an application for civil legal services that is—

- (a) made before 4th August 2014; or
- (b) a new application for civil legal services within the meaning of article 7.

6.—(1) For the purpose of article 5(a), an application, other than an application made to the CLA, is made before 4th August 2014 if the application is—

- (a) for Controlled Work and the application is signed and dated before 4th August 2014;
- (b) for Licensed Work, other than an application for emergency representation, and the application is—
 - (i) signed and dated before 4th August 2014 and received by the Director by 5.00pm on 11th August 2014; or
 - (ii) submitted through the Client and Cost Management System before 4th August 2014; or
- (c) for emergency representation and the application—
 - (i) results in a determination being made by a provider before 4th August 2014 and that determination is notified within five working days of the determination to the Director;
 - (ii) is emailed or faxed to, and received by, the Director before 4th August 2014; or
 - (iii) is submitted through the Client and Cost Management System before 4th August 2014.

(2) For the purpose of article 5(a), an application that is made to the CLA is made before 4th August 2014 if—

- (a) the individual makes the application to a CLA Specialist Telephone Provider before 12.30pm on 2nd August 2014; or

- (b) the CLA Operator Service transfers the individual to a CLA Specialist Telephone Provider before 12.30pm on 2nd August 2014 and—
 - (i) the call is not answered by the CLA Specialist Telephone Provider before 12.30pm on 2nd August 2014;
 - (ii) the individual leaves a message with the CLA Specialist Telephone Provider before 12.30pm on 2nd August 2014; and
 - (iii) the individual makes the application to a CLA Specialist Telephone Provider within two weeks of leaving the message.

(3) In this article—

“CLA” means the Civil Legal Advice Operator Service and the CLA Specialist Telephone Providers;

“CLA Specialist Telephone Provider” means a provider under the 2013 CLA Contract⁽¹⁾ between a provider and the Lord Chancellor;

“Client and Cost Management System” means the client and cost management system used by the Director in relation to applications for civil legal services;

“emergency representation” means—

- (a) legal representation (within the meaning of regulation 18 of the Merits Criteria Regulations) that is not Controlled Work, or
- (b) family help (higher) (within the meaning of regulation 15(3) of the Merits Criteria Regulations),

which is provided following a determination made on an urgent application;

“provider” means a person who provides civil legal services under Part 1 of the Act (legal aid); and

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday for the purposes of paragraph 1 of Schedule 1 to the Banking and Financial Dealings Act 1971⁽²⁾.

7.—(1) An application is a new application for civil legal services referred to in article 5(b) if either paragraph (2) or (3) applies.

(2) This paragraph applies where an individual makes an application for civil legal services on or after 4th August 2014 and the following conditions are met—

- (a) civil legal services have been provided to that individual as a result of a pre-commencement application for civil legal services falling within article 5(a) (“the original application”);
- (b) the further application for civil legal services relates to the same case for which civil legal services were provided as a result of the original application; and
- (c) the further application for civil legal services is—
 - (i) for a different form of civil legal services to that provided as a result of the original application; and
 - (ii) the different form of civil legal services falls within the same variety of work as the form of service for which civil legal services were provided as a result of the original application.

(1) The contract is available at www.justice.gov.uk/legal-aid. Copies can be inspected at the Legal Aid Agency (Head Office) at 102 Petty France, London, SW1H 9AJ.

(2) 1971 c. 80.

(3) This paragraph applies where an individual makes an application for civil legal services on or after 4th August 2014 and the following conditions are met—

- (a) civil legal services that are Licensed Work have been provided to that individual as a result of a pre-commencement application for civil legal services falling within article 5(a) (“the original application”);
 - (b) the further application for civil legal services relates to the case for which civil legal services were provided as a result of the original application; and
 - (c) as a result of the further application for civil legal services, the Director has decided in accordance with regulation 37(3)(b) of the Procedure Regulations that the certificate should cover more than one set of proceedings.
- (4) In this article “variety of work” means one of the following—
- (a) Controlled Work; or
 - (b) Licensed Work.

Interpretation of Part 3

8. In this Part—

“Controlled Work” has the meaning given in regulation 21(2) of the Procedure Regulations;

“form of civil legal services” has the meaning given in regulation 12(3) of the Merits Criteria Regulations;

“Licensed Work” has the meaning given in regulation 29(2) of the Procedure Regulations;

“the Merits Criteria Regulations” means the Civil Legal Aid (Merits Criteria) Regulations 2013(3);

“the Procedure Regulations” means the Civil Legal Aid (Procedure) Regulations 2012(4).

(3) S.I. 2013/104, to which there are amendments not relevant to this Order.

(4) S.I. 2012/3098.