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## STATUTORY INSTRUMENTS

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# 2013 No. 104

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

### PART 6

#### SPECIFIC MERITS CRITERIA

##### CHAPTER 4

##### Immigration

#### Criteria for determinations for full representation in relation to immigration

**60.**—(1) For the purposes of a determination for full representation in relation to any matter described in paragraphs 25 to 30 (immigration) or 32(1) (victims of trafficking in human beings) of Part 1 of Schedule 1 to the Act, to the extent that it relates to proceedings before the First-tier Tribunal or Upper Tribunal, the criteria in—

- (a) regulation 39(a) to (e) (standard criteria for determinations for legal representation) apply;
- (b) regulations 39(f) and 41 to 44 (criteria for determinations for full representation) do not apply; and
- (c) paragraphs (2) and (3) apply.

(2) An individual may qualify for full representation in relation to any matter described in paragraphs 25 to 30 (immigration) or 32(1) (victims of trafficking in human beings) of Part 1 of Schedule 1 to the Act only if the Director is satisfied that—

- (a) if the case is not of significant wider public interest, the reasonable private paying individual test is met;
- (b) if the case is of significant wider public interest, the proportionality test is met; and
- (c) the criterion in paragraph (3) applies.

(3) The Director must be satisfied the prospects of success are—

- (a) very good, good or moderate; or
- (b) <sup>F1</sup>... unclear, and—
  - (i) the case is of significant wider public interest;
  - (ii) the case is one with overwhelming importance to the individual; or
  - (iii) the substance of the case relates to a breach of Convention rights.

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#### Textual Amendments

- F1** Words in reg. 60(3)(b) omitted (27.1.2014) by virtue of [The Civil Legal Aid \(Merits Criteria\) \(Amendment\) Regulations 2014 \(S.I. 2014/131\)](#), regs. 1(1), 2(6) (with reg. 3)

**Status:**

Point in time view as at 27/01/2014.

**Changes to legislation:**

The Civil Legal Aid (Merits Criteria) Regulations 2013, CHAPTER 4 is up to date with all changes known to be in force on or before 05 August 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.