

(2) In regulation 2 (interpretation)(a), in the definition of “private law children case”—

(a) at the end of paragraph (b)(i), omit “or”, and

(b) after paragraph (b)(ii) insert—

“(iii) section 51A of the Adoption and Children Act 2002 (post-adoption contact orders)(b); or”.

(3) In regulation 69 (criteria for determinations for full representation in relation to other family cases to which specific merits criteria apply)(c), after paragraph (4)(a)(ii) insert—

“or

(iii) to section 51A of the Adoption and Children Act 2002 (post-adoption contact orders);”.

Amendment to the Legal Aid (Information about Financial Resources) Regulations 2013

3. In paragraph 23 of the Schedule to the Legal Aid (Information about Financial Resources) Regulations 2013(d), after “regulations made under” insert “section 17A of the Children Act 1989(e), section 49(3) of the Children and Families Act 2014 (personal budgets and direct payments)(f);”.

Date

Name
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Merits Criteria) Regulations 2013 (S.I. 2013/104) (“the Merits Criteria Regulations”), which make provision for the criteria which the Director of Legal Aid Casework must apply when determining whether an individual or legal person qualifies for civil legal services under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the Act”).

Regulation 2(2) of these Regulations amends the definition of “private law children case” set out in regulation 2 of the Merits Criteria Regulations to provide that it includes matters described in paragraph 12 (victims of domestic violence and family matters) of Part 1 of Schedule 1 to the Act which relate to orders regarding post-adoption contact under section 51A of the Adoption and Children Act 2002 (c. 38).

Regulation 2(3) of these Regulations amends regulation 69 of the Merits Criteria Regulations to provide that a relevant determination for the purpose of regulation 69 does not include a determination in relation to matters described in paragraph 12 (victims of domestic violence and family matters) of Part 1 of Schedule 1 to the Act which relate to orders under section 51A of the Adoption and Children Act 2002.

Regulation 3 of these Regulations amends the Legal Aid (Information about Financial Resources) Regulations 2013 (S.I. 2013/628) to prescribe information about direct payments made under

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- (a) Amended by S.I. 2014/131. There are other amending instruments but none is relevant.
(b) 2002 c. 38. Section 51A was inserted by section 9 of the Children and Families Act 2014 (c. 6).
(c) Amended by S.I. 2014/131. There is another amending instrument but it is not relevant.
(d) S.I. 2013/628, amended by S.I. 2015/643. The present amendment was made by S.I. 2015/838 but that amendment was revoked by S.I. 2015/1408.
(e) 1989 c. 41. Section 17A was inserted by section 7(1) of the Carers and Disabled Children Act 2000 (c. 16) and substituted by section 58 of the Health and Social Care Act 2001 (c. 15). It was further amended by Schedule 3, paragraphs 15 and 17, and Schedule 6 to the Tax Credits Act 2002 (c. 21), Schedule 3, paragraph 6 to the Welfare Reform Act 2007 (c. 5), Schedule 3, paragraphs 1 and 3 to the Children and Young Persons Act 2008 (c. 23), Schedule 2, paragraph 1(b) to the Welfare Reform Act 2012 (c. 5) and S.I. 2015/914.
(f) 2014 c. 6.

regulations made under section 17A of the Children Act 1989 (c. 41) and section 49(3) of the Children and Families Act 2014 (c. 6). This permits requests for information about an individual's receipt of those direct payments to be made for the purposes of the Director assessing an individual's financial resources.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

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