
STATUTORY INSTRUMENTS

2012 No. 3098

The Civil Legal Aid (Procedure) Regulations 2012

PART 4

Licensed Work

The application

31.—(1) An application for Licensed Work must be made in writing in a form specified by the Lord Chancellor and signed by the individual and proposed provider.

(2) Except as provided in paragraph (3), the application must be in English unless—

- (a) the individual resides in or is present in Wales; or
- (b) the application relates to proceedings which may be heard in Wales,

in which case the application may be in English or Welsh.

(3) Where the individual resides outside the [^{F1}United Kingdom] and is not present in England and Wales when the application is made, the application must—

- (a) be in English or French;
- (b) include a written statement of the individual's financial resources; and
- (c) be verified by a statement that the individual believes that the facts stated in the application are true.

(4) The application must specify—

- (a) the form of civil legal services to which the application relates;
- (b) the matter to which the application relates;
- (c) the category within which the civil legal services fall (as described in the Category Definitions that form part of the 2010 Standard Civil Contract [^{F2}, 2013 Standard Civil Contract [^{F3}, 2014 Standard Civil Contract [^{F4}, 2015 Standard Civil Contract or 2018 Standard Civil Contract]]); and
- (d) a proposed provider with whom the Lord Chancellor has made an arrangement under section 2(1) of the Act for the provision of the services which are the subject of the application (unless the effective administration of justice test described in paragraph (5) is satisfied).

(5) The effective administration of justice test is satisfied if the Director decides that it is necessary for a provider to provide the services which are the subject of the application under an individual case contract having considered—

- (a) the provider's knowledge of the particular proceedings or dispute and expertise in providing the civil legal services which are the subject of the application;
- (b) the nature and likely length of the particular proceedings or dispute;
- (c) the complexity of the issues; and

Changes to legislation: *The Civil Legal Aid (Procedure) Regulations 2012, Section 31 is up to date with all changes known to be in force on or before 10 June 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. (See end of Document for details) View outstanding changes*

(d) the circumstances of the individual making the application.

(6) The individual must provide any additional information or documents requested by the Director in order to make a determination in relation to the application.

(7) Where additional information or documents are requested in accordance with paragraph (6), the application may not be considered until the requested information or documents are provided.

[^{F5}(7A) Regulations 33 and 34 do not apply to an application for legal representation for an individual where a determination has already been made that the individual qualifies for family help (higher) (“the initial determination”) and—

(a) the initial determination has not been withdrawn by the Director under regulation 42(1); and

(b) the application is for legal representation in the same proceedings as those for which the initial determination was made.]

[^{F6}(8) An application for civil legal services described in paragraph 32(1) of Part 1 of Schedule 1 to the Act to be provided to an individual must be made—

(a) where a conclusive determination described in paragraph 32(1)(a) of Part 1 of Schedule 1 to the Act has been made in relation to that individual, within twelve months of the date of that determination;

(b) where a determination by a competent authority described in paragraph 32(6) of Part 1 of Schedule 1 to the Act has been made in relation to that individual and the individual has been given—

(i) leave to remain in the United Kingdom outside the rules made under section 3(2) of the Immigration Act 1971, or

(ii) [^{F7}immigration bail under paragraph 1 of Schedule 10 to the Immigration Act 2016],

on or before the latest date on which that [^{F8}leave or immigration bail] comes to an end,

(and in any case where both sub-paragraphs (a) and (b) apply, the application must be made by the latest date specified by those sub-paragraphs).

(9) An application for civil legal services described in paragraph 32A(1) of Part 1 of Schedule 1 to the Act to be provided to an individual must be made—

(a) where a conclusive determination described in paragraph 32A(1)(a) of Part 1 of Schedule 1 to the Act has been made in relation to that individual, within twelve months of the date of that determination;

(b) where a determination by a competent authority described in paragraph 32A(6) of Part 1 of Schedule 1 to the Act has been made in relation to that individual and the individual has been given—

(i) leave to remain in the United Kingdom outside the rules made under section 3(2) of the Immigration Act 1971, or

(ii) [^{F9}immigration bail under paragraph 1 of Schedule 10 to the Immigration Act 2016],

on or before the latest date on which that [^{F10}leave or immigration bail] comes to an end,

(and in any case where both sub-paragraphs (a) and (b) apply, the application must be made by the latest date specified by those paragraphs).]

Textual Amendments

- F1** Words in reg. 31(3) substituted (31.12.2020) by The Civil Legal Aid (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/505), regs. 1(1), **4(3)** (with regs. 8, 9) (as amended by S.I. 2020/1493, regs. 1(1), 7(2)-(4)): 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 31(4)(c) substituted (1.8.2014) by The Civil Legal Aid (Procedure, Remuneration and Statutory Charge) (Amendment) Regulations 2014 (S.I. 2014/1824), regs. 1, **2(3)(c)**
- F3** Words in reg. 31(4)(c) substituted (1.11.2015) by The Civil and Criminal Legal Aid (Amendment) (No.2) Regulations 2015 (S.I. 2015/1678), **regs. 1(2)(b), 2(3)(c)**
- F4** Words in reg. 31(4)(c) substituted (1.9.2018) by The Civil Legal Aid (Procedure, Remuneration and Statutory Charge) (Amendment) Regulations 2018 (S.I. 2018/803), regs. 1, **2(3)(c)**
- F5** Reg. 31(7A) inserted (17.7.2015) by The Civil and Criminal Legal Aid (Amendment) Regulations 2015 (S.I. 2015/1416), regs. 1(2)(b), **2(5)(a)**
- F6** Reg. 31(8)(9) substituted for reg. 31(8) (31.7.2015) by The Civil and Criminal Legal Aid (Amendment) Regulations 2015 (S.I. 2015/1416), regs. 1(2)(a), **2(5)(b)**
- F7** Words in reg. 31(8)(b)(ii) substituted (15.1.2018) by The Immigration Act 2016 (Consequential Amendments) (Immigration Bail) Regulations 2017 (S.I. 2017/1242), reg. 1, **Sch. para. 6(2)**
- F8** Words in reg. 31(8)(b) substituted (15.1.2018) by The Immigration Act 2016 (Consequential Amendments) (Immigration Bail) Regulations 2017 (S.I. 2017/1242), reg. 1, **Sch. para. 6(3)**
- F9** Words in reg. 31(9)(b)(ii) substituted (15.1.2018) by The Immigration Act 2016 (Consequential Amendments) (Immigration Bail) Regulations 2017 (S.I. 2017/1242), reg. 1, **Sch. para. 6(2)**
- F10** Words in reg. 31(9)(b) substituted (15.1.2018) by The Immigration Act 2016 (Consequential Amendments) (Immigration Bail) Regulations 2017 (S.I. 2017/1242), reg. 1, **Sch. para. 6(3)**

Changes to legislation:

The Civil Legal Aid (Procedure) Regulations 2012, Section 31 is up to date with all changes known to be in force on or before 10 June 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.

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Changes and effects yet to be applied to :

- [table of contents words inserted by S.I. 2016/561 reg. 2\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 para. 6A inserted by [S.I. 2023/150 art. 7\(3\)\(a\)](#)