
STATUTORY INSTRUMENTS

2012 No. 3098

The Civil Legal Aid (Procedure) Regulations 2012

PART 6

Special Case Work

General

54.—(1) This Part makes provision about the making and withdrawal of determinations about Special Case Work.

(2) An application for—

- (a) a determination that an individual qualifies for a form of civil legal services; or
- (b) an amendment of a determination,

may be treated by the Director as an application for Special Case Work in the circumstances described in paragraph (3).

(3) The circumstances mentioned in paragraph (2) are where the Director has reasonable grounds to believe that—

- (a) the actual or likely costs of the case exceed £25,000;
- (b) if the case were to proceed to—
 - (i) a trial or final hearing; or
 - (ii) in the case of appeal proceedings before the Court of Appeal, the conclusion of that appeal,
the likely costs would exceed £75,000;
- (c) the application relates to a multi-party action or potential multi-party action;
- (d) the application relates to an appeal or proposed appeal to the Supreme Court;
- (e) it is necessary to decide whether—
 - (i) the case is of significant wider public interest; or
 - (ii) the substance of the case relates to a breach of Convention rights (within the meaning of the Human Rights Act 1998⁽¹⁾),
in order to determine whether the individual qualifies for civil legal services in accordance with the criteria set out in regulations made under section 11 of the Act;
- (f) the application relates to a case which satisfies the effective administration of justice test;
or
- (g) the application relates to a community action.

(4) Different proceedings may be treated as if they were a single case for the purpose of paragraph (2) if the Director decides that the proceedings are closely connected or are being heard together by the court or tribunal.

(5) Except as provided in this Part, Part 4 (Licensed Work) applies to Special Case Work.

(6) In this Part—

“community action” means proceedings proposed, begun or continued by or against one or more individuals who belong to an identifiable geographic community the members of which have a common interest in the proceedings;

“likely costs” means the total costs likely to have been incurred on behalf of the applicant for civil legal services at final judgment or settlement of the proceedings—

- (a) calculated on the basis that the proceedings fail to obtain a successful outcome or costs are not recovered from another party to the proceedings; and
- (b) taking into account the prospects of the proceedings settling before trial or other final hearing;

“multi-party action” means proceedings in which a number of individuals have a cause of action which involves common or related issues of fact or law; and

“significant wider public interest” has the meaning given in regulations made under section 11 of the Act.