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STATUTORY INSTRUMENTS

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**2013 No. 480**

**The Civil Legal Aid (Financial Resources  
and Payment for Services) Regulations 2013**

**PART 2**

**Determinations in respect of an individual's financial resources**

**CHAPTER 2**

**Making a determination in respect of an individual's financial resources**

**Resources to be treated as the individual's resources**

**16.**—(1) Subject to paragraph (2), in calculating the disposable income and disposable capital of the individual, the resources of the individual's partner must be treated as the individual's resources.

(2) The resources of the individual's partner must not be treated as the individual's resources if the individual has a contrary interest in the dispute in respect of which the application is made.

(3) Paragraph (4) applies where an application is made for any form of civil legal services except legal representation (other than legal representation in family proceedings).

(4) Where the individual is a child, the resources of a parent, guardian or any other person who is responsible for maintaining the child, or who usually contributes substantially to the child's maintenance, must be treated as the child's resources, unless, having regard to all the circumstances, including the age and resources of the child and any conflict of interest, it appears inequitable to do so.

(5) Where it appears to the Director that—

- (a) another person is, has been or is likely to be substantially maintaining the individual or any person whose resources are to be treated as the individual's resources under this regulation; or
- (b) any of the resources of another person have been or are likely to be made available to the individual or any person whose resources are to be treated as the individual's resources under this regulation,

the Director may treat all or any part of the resources of that other person as the resources of the individual, and may assess or estimate the value of those resources as well as the Director is able.

(6) A reference to "individual" in regulations 21 to 36 and 40 to 43 is a reference to—

- (a) the individual in respect of whom the determination about financial resources is being made; and
- (b) any person whose resources are to be treated as the individual's resources under this regulation.

(7) In this regulation—

"family enactment" has the same meaning as in paragraph 12(9) of Part 1 of Schedule 1 to the Act;

“family relationship” and “matter arising out of a family relationship” have the same meaning as in paragraphs 12(7) and (8) of Part 1 of Schedule 1 to the Act<sup>(1)</sup>; and

“family proceedings” means—

- (a) any matter which is described in any of the following paragraphs of Part 1 of Schedule 1 to the Act (civil legal services)—
  - (i) paragraph 1 (care, supervision and protection of children);
  - (ii) paragraph 9 (inherent jurisdiction of High Court in relation to children and vulnerable adults), to the extent that the matter relates to—
    - (aa) a child; or
    - (bb) a vulnerable adult but only to the extent that it is a matter arising out of a family relationship;
  - (iii) paragraph 10 (unlawful removal of children);
  - (iv) paragraph 11 (family homes and domestic violence);
  - (v) paragraph 12 (victims of domestic violence and family matters);
  - (vi) paragraph 13 (protection of children and family matters);
  - (vii) paragraph 14 (mediation in family disputes);
  - (viii) paragraph 15 (children who are parties to family proceedings);
  - (ix) paragraph 16 (forced marriage);
  - (x) paragraph 17 (EU and international agreements concerning children);
  - (xi) paragraph 18 (EU and international agreements concerning maintenance); or
- (b) a matter arising out of a family relationship in respect of which the Director has made an exceptional case determination under section 10 of the Act and which is under—
  - (i) a family enactment; or
  - (ii) the Trusts of Land and Appointment of Trustees Act 1996<sup>(2)</sup>.

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(1) The Civil Legal Aid (Family Relationship) Regulations 2012 (S.I. 2012/2684), made under paragraph 12(8)(b) of Part 1 of Schedule 1 to the Act, make provision about when matters arise out of a family relationship for the purpose of paragraph 12.

(2) 1996 c. 47.