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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 1

##### Financial eligibility limits and waivers

#### **Financial eligibility limit – gross income**

7.—(1) For the purposes of this regulation, “gross income” means income under regulation 21 before any deductions are made other than—

- (a) those payments which are to be disregarded under regulation 24; and
- (b) any housing benefit paid under section 130 of the Social Security Contributions and Benefits Act 1992 <sup>M1</sup> or section 129 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

(2) This regulation does not apply to any applications to which regulation 5 or 6 applies.

(3) In relation to the calculation of gross income—

- (a) regulations 13, 15, 16, 17 and 20 apply as if “gross income” were substituted for “disposable income” each time it appears; and
- (b) regulations 26 and 27 do not apply.

(4) Subject to paragraph (5), where the gross monthly income of the individual exceeds £2,657, the Director must determine that the individual's financial resources are such that the individual is not eligible for civil legal services.

(5) Where the individual has more than four dependent children in respect of whom the individual receives child benefit, the sum referred to in paragraph (4) must be increased by £222 in respect of the fifth and each subsequent child.

(6) In this regulation “child benefit” means child benefit under section 141 <sup>M2</sup> of the Social Security Contributions and Benefits Act 1992 or section 137 <sup>M3</sup> of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

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#### **Marginal Citations**

- M1** 1992 c. 4. Section 130 is to be repealed by Part 1 of Schedule 14 to the Welfare Reform Act 2012 at a date to be appointed.
- M2** Section 141 was amended by section 1(1) of the [Child Benefit Act 2005 \(c. 6\)](#).
- M3** Section 137 was amended by section 2(1) of the [Child Benefit Act 2005](#).

**Changes to legislation:**

The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013, Section 7 is up to date with all changes known to be in force on or before 12 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Regulations applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- of Contents words inserted by [S.I. 2015/1416 reg. 6\(2\)](#) (This amendment not applied to legislation.gov.uk. The table of contents for this legislation will be dynamically updated when its provisions are revised)

**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):

- reg. 5(1)(s) word inserted by [S.I. 2023/1177 reg. 2\(3\)](#)
- reg. 5(1)(t) inserted by [S.I. 2023/1177 reg. 2\(4\)](#)
- reg. 5(1)(ma) reg. 5(1)(m) renumbered as reg. 5(1)(ma) by [S.I. 2023/745 reg. 3\(2\)\(a\)](#)