
STATUTORY INSTRUMENTS

2013 No. 503

The Civil Legal Aid (Statutory Charge) Regulations 2013

PART 1

INTERPRETATION AND GENERAL

Citation and commencement

1. These Regulations may be cited as the Civil Legal Aid (Statutory Charge) Regulations 2013 and come into force on 1st April 2013.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012;

“certificate” means a certificate issued under the Civil Legal Aid (Procedure) Regulations 2012⁽¹⁾;

“child” means an individual under the age of 18;

“CPR” means the Civil Procedure Rules 1998⁽²⁾, and a reference to a Part or a rule, prefixed by “CPR”, means the Part or rule so numbered in the CPR;

“family enactment” has the same meaning as in paragraph 12(9) of Part 1 of Schedule 1 to the Act (civil legal services);

“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⁽³⁾;

“family proceedings” means—

- (a) any matter which is described in any of the following paragraphs of Part 1 of Schedule 1 to the Act—
 - (i) paragraph 1 (care, supervision and protection of children);
 - (ii) paragraph 9 (inherent jurisdiction of the 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 the matter arises out of a family relationship;
 - (iii) paragraph 10 (unlawful removal of children);
 - (iv) paragraph 11 (family homes and domestic violence);

⁽¹⁾ [SI 2012/3098](#).

⁽²⁾ [SI 1998/3132](#). There have been numerous amendments, with the relevant parts of the CPR consolidated, in amended form, in [SI 2013/262](#).

⁽³⁾ The Civil Legal Aid (Family Relationship) Regulations ([SI 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.

- (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); or
- (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 (exceptional cases) and which is under—
 - (i) a family enactment; or
 - (ii) the Trusts of Land and Appointment of Trustees Act 1996⁽⁴⁾;

“legally aided party” means an individual or legal person⁽⁵⁾ to whom civil legal services have been made available under Part 1 of the Act (legal aid);

“legally aided party’s costs order” and “legally aided party’s costs agreement” mean, respectively, an order and an agreement that another party to relevant proceedings or a relevant dispute pay all or part of the costs of the legally aided party;

“legal aid only costs” means those costs described as such under whichever of the following contracts between the Lord Chancellor and the provider governs the provision of the civil legal services in the relevant proceedings or relevant dispute—

- (a) the 2010 Standard Civil Contract;
- (b) the 2013 Standard Civil Contract;
- (c) the 2013 Individual Case Contract (High Cost Civil); or
- (d) the 2013 Individual Case Contract (Civil)⁽⁶⁾;

“maintenance” means money or money’s worth paid towards the support of a former partner, child or other person for whose support the payer has previously been responsible or has made payments;

“partner” means—

- (a) a legally aided party’s spouse or civil partner, from whom the party is not separated due to a breakdown in the relationship which is likely to be permanent;
- (b) a person with whom the legally aided party lives as a couple; or
- (c) a person with whom the legally aided party ordinarily lives as a couple, from whom the party is not separated due to a breakdown in the relationship which is likely to be permanent;

“provider” means a person who provides civil legal services under Part 1 of the Act;

“relevant dispute” means a dispute in connection with which civil legal services have been made available to the legally aided party;

“relevant proceedings” means proceedings in connection with which civil legal services have been made available to the legally aided party;

(4) 1996 c. 47.

(5) Paragraph 7 of Schedule 3 to the Act (legal aid for legal persons) provides that in section 25 references to an individual include a legal person to whom legal services are made available under Part 1 of the Act in accordance with Schedule 3 or regulations made under Schedule 3.

(6) The contracts are available at www.justice.gov.uk/legalaid. Copies can be inspected at the Legal Aid Agency (Head Office) at 102 Petty France, London, SW1H 9AJ.

“statutory charge” means the charge created by section 25(1) of the Act (charges on property in connection with civil services); and

“the arrangements” means arrangements made by the Lord Chancellor under section 2(1) of the Act (arrangements).

(2) Where in these Regulations a reference is made to a form of civil legal services, that is a reference to that form of civil legal services as defined in Part 2 of the Civil Legal Aid (Merits Criteria) Regulations 2013⁽⁷⁾.

Delegation

3. A function of the Lord Chancellor under these Regulations may be exercised by a person authorised for that purpose by the Lord Chancellor, or an employee of that person⁽⁸⁾.

⁽⁷⁾ [SI 2013/104](#).

⁽⁸⁾ Section 6 of the Act (authorisations) makes provision for authorisations given for the purpose of section 5 of the Act (delegation) or regulations made under that section.