
STATUTORY INSTRUMENTS

2013 No. 503

The Civil Legal Aid (Statutory Charge) Regulations 2013

PART 3

ENFORCEMENT OF THE STATUTORY CHARGE

Payment out and retention of money by the Lord Chancellor

- 17.**—(1) The Lord Chancellor must pay to the provider—
- (a) any outstanding amount payable under the arrangements to the provider in respect of services provided to the legally aided party in relevant proceedings or a relevant dispute;
 - (b) where costs under a legally aided party's costs order or costs agreement are received by the Lord Chancellor, any amount by which—
 - (i) the amount under that order or agreement, after deduction of any amount under paragraph (2)(b),(4) or (6); exceeds
 - (ii) the total amount payable under the arrangements to the provider in respect of civil legal services made available in the relevant proceedings or relevant dispute, after deduction of any legal aid only costs; and
 - (c) where the costs referred to in sub-paragraph (b) are paid to the Lord Chancellor with interest, an amount equal to interest attributable to any amount payable under that sub-paragraph.
- (2) Where money is received by the Lord Chancellor under this Part, the Lord Chancellor must, subject to paragraph (6), retain—
- (a) an amount equal to that part of the total cost of the civil legal services made available to the legally aided party in relevant proceedings or a relevant dispute which form part of the statutory charge;
 - (b) an amount equal to the costs incurred in taking steps under regulation 18; and
 - (c) where costs are paid to the Lord Chancellor together with interest, an amount equal to that interest, less the amount of any interest payable to the provider under paragraph (1)(c).
- (3) Paragraph (4) applies where—
- (a) money is received by the Lord Chancellor under this Part; and
 - (b) a solicitor, whether or not a provider, has acted on behalf of a legally aided party in proceedings or a dispute before that party receives civil legal services in respect of the same proceedings or dispute, or has a lien on any documents necessary to proceedings to which a legally aided party is party, and has handed them over subject to the lien.
- (4) Where this paragraph applies, and the solicitor referred to in paragraph (3) gives the Lord Chancellor written notice to that effect, the Lord Chancellor must, subject to paragraph (6), pay to that solicitor the costs to which the solicitor would have been entitled if those costs had been assessed on an indemnity basis.

(5) Where the amount of costs payable under paragraph (4) have not been assessed by the court, they may be assessed by the Lord Chancellor.

(6) Where the amount received by the Lord Chancellor under this Part, after deduction of any amount under paragraph (2)(b), is insufficient to meet—

(a) the total amount payable to the provider under the arrangements in respect of the civil legal services made available to the legally aided party in the relevant proceedings or relevant dispute; and

(b) the amount payable to a solicitor under paragraph (4),

the Lord Chancellor must apportion the amount received proportionately between the Lord Chancellor and the solicitor, and pay to the solicitor the amount so apportioned.

(7) The Lord Chancellor must pay all the money paid to the Lord Chancellor under this Part, which is not paid or retained under paragraphs (1)(b), (1)(c), (2), (4) or (6) to the legally aided party.

(8) In this regulation, “solicitor” means a person who, for the purposes of the Legal Services Act 2007^{M1}, is an authorised person in relation to an activity which constitutes the conduct of litigation within the meaning of that Act.

Marginal Citations

M1 2007 c. 29.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Legal Aid (Statutory Charge) Regulations 2013, Section 17.