
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Civil Legal Aid (Costs) Regulations 2013 (“the Regulations”) make provision about costs orders in civil proceedings in favour of or against a legally aided party and, in certain circumstances, against the Lord Chancellor.

Section 26(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 sets out the general principle that costs ordered against a legally aided individual in civil proceedings must be reasonable, having regard to all the circumstances, including the financial resources and conduct of the parties to the proceedings (“cost protection”). Part 2 of the Regulations makes exceptions to the general principle of cost protection in relation to certain forms of civil legal aid and in certain family proceedings. Provision is also made in relation to the periods to which cost protection applies and when it comes to an end.

Part 3 of the Regulations sets out the rules governing costs orders against a legally aided party to proceedings. Regulation 10 sets out the grounds on which a costs order might also be made against the Lord Chancellor where civil legal aid has been provided to a party to proceedings. Regulations 11-20 make provision in relation to the procedure, determination and enforcement of costs orders against a legally aided party and the Lord Chancellor.

Part 4 of the Regulations sets out the principles to be applied when a costs order or a costs agreement is made in favour of a legally aided party to proceedings.