
STATUTORY INSTRUMENTS

2014 No. 2701

The Civil Legal Aid (Financial Resources and Payment for Services) (Amendment) (No. 2) Regulations 2014

Pre-commencement applications for civil legal services

4.—(1) In regulation 3, a “pre-commencement application for civil legal services” means an application for civil legal services that is made before 3rd November 2014.

(2) For the purpose of paragraph (1), an application, other than an application to the CLA, is made before 3rd November 2014 if the application is—

- (a) for Controlled Work and the application is signed and dated before 3rd November 2014;
- (b) for Licensed Work or an exceptional case determination under section 10 of the Act, other than an application for emergency representation, and the application is—
 - (i) signed and dated before 3rd November 2014 and received by the Director by 5.00pm on 10th November 2014; or
 - (ii) submitted through the Client and Cost Management System before 3rd November 2014; or
- (c) for emergency representation and the application—
 - (i) results in a determination being made by a provider before 3rd November 2014 and that determination is notified to the Director within five working days of the determination;
 - (ii) is emailed or faxed to, and received by, the Director before 3rd November 2014; or
 - (iii) is submitted through the Client and Cost Management System before 3rd November 2014.

(3) For the purpose of paragraph (1), an application that is made to the CLA is made before 3rd November 2014 if—

- (a) the individual makes the application to a CLA Specialist Telephone Provider before 12.30pm on 1st November 2014; or
- (b) the Civil Legal Advice Operator Service transfers the individual to a CLA Specialist Telephone Provider before 12:30pm on 1st November 2014 and—
 - (i) the call is not answered by the CLA Specialist Telephone Provider before 12.30pm on 1st November 2014;
 - (ii) the individual leaves a message with the CLA Specialist Telephone Provider before 12.30pm on 1st November 2014; and
 - (iii) the individual makes the application to a CLA Specialist Telephone Provider within two weeks of leaving the message.

(4) In this regulation—

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

“CLA” means the Civil Legal Advice Operator Service and the CLA Specialist Telephone Providers;

“CLA Specialist Telephone Provider” means a provider under the 2013 CLA Contract between a provider and the Lord Chancellor;

“Client and Cost Management System” means the client and cost management system used by the Director in relation to applications for civil legal services;

“Controlled Work” has the meaning given in regulation 21(2) of the Procedure Regulations;

“emergency representation” means—

- (a) legal representation (within the meaning of regulation 18 of the Merits Criteria Regulations) that is not Controlled Work; or
- (b) family help (higher) (within the meaning of regulation 15(3) of the Merits Criteria Regulations),

which is provided following a determination made on an urgent application;

“Licensed Work” has the meaning given in regulation 29(2) of the Procedure Regulations;

“the Merits Criteria Regulations” means the Civil Legal Aid (Merits Criteria) Regulations 2013(1);

“the Procedure Regulations” means the Civil Legal Aid (Procedure) Regulations 2012(2);

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

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday for the purposes of paragraph 1 of Schedule 1 to the Banking and Financial Dealings Act 1971(3).

(1) S.I. 2013/104, to which there are amendments not relevant to these Regulations.
(2) S.I. 2012/3098, to which there are amendments not relevant to these Regulations.
(3) 1971 c. 80.