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STATUTORY INSTRUMENTS

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**2016 No. 781**

**The Civil Legal Aid (Merits Criteria)  
(Amendment) Regulations 2016**

**Transitional provision**

**3.—**(1) The amendments made by regulation 2 do not apply to an application for civil legal services that is made before 22nd July 2016.

(2) In addition, regulation 42 of the Merits Criteria Regulations has effect in relation to civil legal services provided as a result of an application for civil legal services that is made before 22nd July 2016 as if the amendments made by regulation 2(2) and (3) had not been made.

(3) For the purpose of this regulation, an application for civil legal services is made before 22nd July 2016 if the application is—

- (a) for Controlled Work and the application is signed and dated before 22nd July 2016;
- (b) for Licensed Work or for civil legal services to be made available under section 10 of the Act, other than an application for emergency representation, and the application is—
  - (i) signed and dated before 22nd July 2016 and received by the Director by 5.00pm on 29th July 2016, or
  - (ii) submitted through the Client and Cost Management System before 22nd July 2016, or
- (c) for emergency representation and the application—
  - (i) results in a determination being made by a provider before 22nd July 2016 and that determination is notified within five working days of the determination to the Director;
  - (ii) is emailed or faxed to, and received by, the Director before 22nd July 2016, or
  - (iii) is submitted through the Client and Cost Management System before 22nd July 2016.

(4) In this regulation—

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

“the Procedure Regulations” means the Civil Legal Aid (Procedure) Regulations 2012(1);

“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 legal representation (within the meaning of regulation 18 of the Merits Criteria Regulations)—

(a) that is not Controlled Work, and

(b) 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;

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“provider” means a person who provides civil legal services under Part 1 of the Act (legal aid);  
“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971<sup>(2)</sup>.

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<sup>(2)</sup> 1971 c. 80.