

**2017 No. 745**

**LEGAL AID AND ADVICE, ENGLAND AND WALES**

**The Civil Legal Aid (Financial Resources and Payment for Services) (Amendment) Regulations 2017**

*Made* - - - - - *12th July 2017*

*Laid before Parliament* *13th July 2017*

*Coming into force in accordance with regulation 1*

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by sections 21(2) and 41(1) and (3)(a) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a):

**Citation and commencement**

1. These Regulations may be cited as the Civil Legal Aid (Financial Resources and Payment for Services) (Amendment) Regulations 2017 and come into force on the day after the day on which these Regulations are laid before Parliament.

**Amendments to the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013**

2.—(1) The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013(b) are amended as follows.

(2) After regulation 24(2) (payments to be disregarded from calculation of disposable income or gross income) insert—

“(3) In calculating the disposable income or the gross income of the individual, the Director may disregard any payment that meets all of the following conditions—

- (a) the payment was made to an individual who is a victim of the fire at Grenfell Tower;
- (b) the payment was made to that individual because the individual is a victim of the fire at Grenfell Tower, and
- (c) the payment was not made directly to the individual by an individual known personally to the individual.

(4) In this regulation—

“fire at Grenfell Tower” means the fire at Grenfell Tower on 14th June 2017;

“Grenfell Tower” means Grenfell Tower, Grenfell Road, London, W11 1TG;

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(a) 2012 c. 10. Section 42(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) provides that in Part 1 of that Act “regulations” means regulations made by the Lord Chancellor.

(b) S.I. 2013/480.

“victim of the fire at Grenfell Tower” means an individual who is any one or more of the following—

- (a) an individual living in Grenfell Tower on 14th June 2017;
- (b) an individual present in Grenfell Tower on 14th June 2017 at the time of the fire at Grenfell Tower;
- (c) an individual who was injured in, or as a result of, the fire at Grenfell Tower;
- (d) an individual living in a building in the immediate vicinity of Grenfell Tower that was evacuated as a result of the fire at Grenfell Tower;
- (e) a member of the family of an individual who died in the fire at Grenfell Tower or is missing in the fire at Grenfell Tower (and an individual is a member of the family of such an individual if the requirements of section 10(6) of the Act are met), or
- (f) a personal representative of an individual who died in the fire at Grenfell Tower.”.

(3) Regulation 40 (certain payments to be disregarded)(a) is renumbered as paragraph (1) of that regulation.

(4) After regulation 40(1), as so renumbered, insert—

“(2) In calculating the disposable capital of the individual, the Director may disregard any payment that meets all of the following conditions—

- (a) the payment was made to an individual who is a victim of the fire at Grenfell Tower;
- (b) the payment was made to that individual because the individual is a victim of the fire at Grenfell Tower, and
- (c) the payment was not made directly to the individual by an individual known personally to the individual.

(3) In this regulation, “fire at Grenfell Tower”; “Grenfell Tower”, and “victim of the fire at Grenfell Tower” have the same meaning as in regulation 24(4).”.

*Dominic Raab*  
Minister of State  
Ministry of Justice

12th July 2017

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 (S.I. 2013/480) (“the 2013 Regulations”). The 2013 Regulations make provision about the rules the Director of Legal Aid Casework (“the Director”) must apply to determine whether an individual’s financial resources are such that the individual is eligible for civil legal services under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10). Chapters 3 and 4 of Part 2 of the 2013 Regulations provide the rules on calculating income and capital respectively. Regulation 24(1) and (2) of the 2013 Regulations require the Director to disregard certain payments when calculating an individual’s disposable income or gross income. Regulation 40 of the 2013 Regulations requires the Director to disregard certain payments when calculating an individual’s disposable capital.

Regulation 2 of these Regulations amends regulations 24 and 40 of the 2013 Regulations, to permit the Director to disregard when calculating disposable income, gross income and disposable capital any payment made to an individual who is a victim of the fire at Grenfell Tower on 14th

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(a) Regulation 40 has been amended by S.I. 2015/643, 2015/838, 2016/211 and 2016/708.

June 2017 provided that the payment has been made because the individual is a victim of that fire (other than direct payments from an individual known personally to the victim).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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