
EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes a scheme to pilot the provision of legal aid for certain civil legal services, to be known as the Early Legal Advice Pilot.

The pilot scheme will run from 1st April 2022 to 31st March 2024, and will apply in relation to individuals living or habitually resident in the area of Manchester City Council or of Middlesbrough Council who are selected to take part in the pilot scheme.

This Order modifies Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (“LASPOA”), to provide for advice and assistance provided in relation to certain housing, debt, and welfare benefits issues to be civil legal services for the purposes of the pilot scheme. These issues are therefore in scope of legal aid for the purposes of the pilot scheme, but only for the provision of up to three hours of advice and assistance, and not including the provision of advice and assistance in the form of representation.

This Order also modifies:

- (a) the Civil Legal Aid (Merits Criteria) Regulations 2013, which set out the merits criteria according to which the Director of Legal Aid Casework must determine whether a person qualifies for civil legal services under Part 1 of LASPOA, so that no merits criteria apply in relation to the civil legal services which are the subject of the pilot scheme;
- (b) the Civil Legal Aid (Remuneration) Regulations 2013, which provide for the payment of remuneration to the providers of civil legal services, to specify the hourly fees for the provision of advice and assistance under the pilot scheme; and
- (c) the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013, which require the Director of Legal Aid Casework to determine whether a person’s financial resources are such that they are eligible for civil legal services, so that a person is not required to meet the means test in order to qualify for legal aid for the civil legal services which are the subject of the pilot scheme.

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.