
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”).

Regulation 5 of the 2013 Regulations sets out a list of certain forms of civil legal services that are to be provided without a determination in respect of an individual’s financial resources. Regulation 2 adds four new sub-paragraphs to this list.

Regulation 2 provides that there is to be no determination in relation to the financial resources of an individual where that individual has made an application for legal help in a matter described in paragraph 2 of Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (“LASPO”). Regulation 2 also provides that there is to be no determination in relation to the financial resources of an individual where that individual has made an application for legal representation for an appeal to the First-tier Tribunal (Special Educational Needs and Disability) and the Director has made a relevant determination. Regulation 2 further confirms that these exemptions only apply where the individual making the application does so in respect of a child who is looked after by the local authority or in respect of a young person under certain circumstances. However, the applicant must be a foster parent or an approved prospective adoptive parent of the child, or must be the young person’s former foster parent but where the young person continues to reside with them in a “staying put” arrangement and the applicant is a person described in paragraphs (a), (b) or (c) of section 80(6) of the Children and Families Act 2014.

Regulation 3 provides a transitional provision to ensure that the amendments made by regulation 2 apply to applications for civil legal services described in regulation 2 where they have been made but not determined by the date that these Regulations come into force. It also provides that individuals who would have benefitted from regulation 5(1) (o), (p), (q) or (r) but for the determination already having been made are not liable to any further contributions once the Regulations come into force.

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

Changes to legislation:

There are currently no known outstanding effects for the The Civil Legal Aid (Financial Resources and Payment for Services) (Amendment) Regulations 2023.