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STATUTORY INSTRUMENTS

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**2023 No. 45**

**The Civil Legal Aid (Financial Resources and Payment for Services) (Amendment) Regulations 2023**

**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<sup>(1)</sup> are amended as follows.

(2) At the end of sub-paragraph (m) of regulation 5(1), omit “and”.

(3) After regulation 5(1)(n) insert—

“(o) legal help in a matter described in paragraph 2 of Part 1 of Schedule 1 to the Act where—

(i) the applicant is a foster parent or an approved prospective adoptive parent of a child who is looked after by a local authority; and

(ii) the applicant makes or proposes to make an application to appeal to the First-tier Tribunal in accordance with section 51 of the Children and Families Act 2014<sup>(2)</sup> in respect of that child;

(p) legal representation in relation to an appeal to the First-tier Tribunal (Special Educational Needs and Disability) where—

(i) the applicant is a foster parent or an approved prospective adoptive parent of a child who is looked after by a local authority;

(ii) the applicant makes an application to the First-tier Tribunal in accordance with section 51 of the Children and Families Act 2014 in respect of that child; and

(iii) the Director has made a determination under section 10(3) of the Act;

(q) legal help in a matter described in paragraph 2 of Part 1 of Schedule 1 to the Act where—

(i) the applicant was a foster parent of a young person with whom the young person is continuing to reside under a staying put arrangement;

(ii) the applicant making or proposing to make an application to appeal to the First-tier Tribunal is a person described in paragraphs (a), (b) or (c) of section 80(6) of the Children and Families Act 2014; and

(iii) the young person cannot make the application themselves; and

(r) legal representation in relation to an appeal to the First-tier Tribunal (Special Educational Needs and Disability) where—

(i) the applicant was a foster parent of a young person with whom the young person is continuing to reside under a staying put arrangement;

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<sup>(1)</sup> S.I. 2013/480, as amended by S.I. 2013/753, S.I. 2014/812, S.I. 2014/2701, S.I. 2021/1423. There are other amending instruments, but none are relevant.

<sup>(2)</sup> 2015 c. 6

- (ii) the applicant making the application to appeal to the First-tier Tribunal is a person described in paragraphs (a), (b) or (c) of section 80(6) of the Children and Families Act 2014;
  - (iii) the young person cannot make an application themselves; and
  - (iv) the Director has made a determination under section 10(3) of the Act.”.
- (4) In regulation 5(2)—
- (a) in the relevant places, insert—
    - ““approved prospective adoptive parent” means an individual who has received notification from a local authority or an adoption agency that they have decided to approve the prospective adopter as suitable to adopt a child, in accordance with the Adoption Agencies Regulations 2005(3) or the Adoption Agencies (Wales) Regulations 2005(4);”;
    - ““child who is looked after by a local authority” has the meaning set out in section 22 of the Children Act 1989(5) and section 74 of the Social Services and Well-being (Wales) Act 2014(6);”;
    - ““foster parent” means a local authority foster parent as defined in section 105(1) of the Children Act 1989;”;
    - ““staying put arrangement” has the meaning in section 23CZA of the Children Act 1989;”;
    - ““young person” has the meaning in section 83 of the Children and Families Act 2014.”;
  - (b) at the end of the definition of “special Children Act 1989 case” omit “and”;
  - (c) at the end of the definition of “TPIM proceedings” insert “; and”.

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(3) S.I. 2005/389, there are amending instruments but none are relevant.

(4) S.I. 2005/1313 (W. 95), there are amending instruments but none are relevant.

(5) 1989 c. 10

(6) 2014 anaw 4