
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Legal Aid (Financial Resources) Regulations 2013 (S.I. 2013/471), the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 (S.I. 2013/480), the Civil Legal Aid (Procedure) Regulations 2012 (S.I. 2012/3098), and the Civil Legal Aid (Financial Resources and Payment for Services) (Amendment) Regulations 2023 (S.I. 2023/45).

Regulation 1 establishes when each part of these Regulations come into force.

Regulation 2 amends the Criminal Legal Aid (Financial Resources) Regulations 2013 so that there is to be no determination of financial resources where advice and assistance is provided to a child.

Regulation 3 amends the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 so that there is to be no determination of financial resources in the following cases: (i) legal help in relation to an inquest in certain cases; (ii) legal representation or family help (higher) where the applicant is a child; (iii) certain education appeals pursued in the Tribunal of Wales; and (iv) cases concerning the withdrawal or withholding of life-sustaining treatment for a child. The regulation also renumbers a paragraph that will be inserted into the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 when section 25(4) of the Nationality and Borders Act 2022 comes into force. Section 25(4) prospectively introduces a paragraph (m) into regulation 5(1) of the 2013 regulations. The regulations already contain paragraph (m) so this renumbering will avoid the confusion of two having paragraph (m)s.

Regulation 4 amends the Civil Legal Aid (Procedure) Regulations 2012 so that certain determinations in relation to legal help for inquests may be treated as having effect from a date earlier than the date of determination.

Regulation 5 amends the Civil Legal Aid (Financial Resources and Payment for Services) (Amendment) Regulations 2023 by omitting certain otiose definitions.

Regulation 6 provides transitional provisions in relation to applications for legal aid (excluding applications for legal help for inquests) that have been received before the coming into force of the regulations but have not yet been determined. The regulation also provides that certain financial contributions will no longer be payable.

An impact assessment has been published alongside the Government Response to the Means Test Review in relation to the following changes made by this instrument: changes to criminal advice and assistance provided to a child, changes to legal representation or family help (higher) in relation to a child, changes in relation to legal representation in cases of the withdrawal or withholding of life-sustaining treatment and changes to legal help for certain inquests. For the remaining changes in this instrument, an impact assessment has not been produced as no, or no significant, impact on the private, voluntary or public sector is foreseen.