

2024 No. 889

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Civil Legal Aid (Standard Civil Contract - Miscellaneous Amendments) Regulations 2024

Made - - - - at 1:50 p.m. on 2nd September 2024

Laid before Parliament at 4:30 p.m. on 2nd September 2024

Coming into force - - 23rd September 2024

The Lord Chancellor makes these Regulations in exercise of the powers conferred by sections 2(3), 12(2) and (3), 25(3), 41(1)(a), 41(2)(a) and 41(3)(b) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Civil Legal Aid (Standard Civil Contract - Miscellaneous Amendments) Regulations 2024.

(2) These Regulations come into force on 23rd September 2024.

(3) These Regulations extend to England and Wales.

Amendments to the Civil Legal Aid (Procedure) Regulations 2012

2.—(1) The Civil Legal Aid (Procedure) Regulations 2012(b) are amended as follows.

(2) In regulation 2 (interpretation), in the definition beginning “2010 Standard Civil Contract” for “and “2018 CLA Contract”” substitute “, “2018 CLA Contract”, “2021 CLA Contract (Education and Discrimination)” and “2024 Standard Civil Contract””.

(3) In regulation 23(1)(c) (the application), for “2015 Standard Civil Contract or 2018 Standard Civil Contract” substitute “2015 Standard Civil Contract, 2018 Standard Civil Contract or 2024 Standard Civil Contract”.

(4) In regulation 31(4)(c) (the application), for “2015 Standard Civil Contract or 2018 Standard Civil Contract” substitute “2015 Standard Civil Contract, 2018 Standard Civil Contract or 2024 Standard Civil Contract”.

(5) In regulation 67(1) (the application), for “2015 Standard Civil Contract or 2018 Standard Civil Contract” substitute “2015 Standard Civil Contract, 2018 Standard Civil Contract or 2024 Standard Civil Contract”.

(a) 2012 c. 10.

(b) S.I. 2012/3098 as amended by S.I. 2014/3098, S.I. 2014/814, S.I. 2015/1678, S.I. 2018/803, S.I. 2014/1824, S.I. 2023/147 and S.I. 2017/53. There are other amending instruments, but none are relevant.

Amendments to the Civil Legal Aid (Statutory Charge) Regulations 2013

3.—(1) In regulation 2 (interpretation) of the Civil Legal Aid (Statutory Charge) Regulations 2013(a), in the definition of “legal aid only costs”—

- (a) at the end of sub-paragraph (h), omit “or”;
- (b) at the end of sub-paragraph (i), insert “or”; and
- (c) after sub-paragraph (i), insert “(j) the 2024 Standard Civil Contract,”.

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

4.—(1) In regulation 5(2), (exceptions from requirement to make a determination in respect of an individual’s financial resources) of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013(b), in the definition of “relevant mediation session” for “in the contract named the Standard Civil Contract 2010” substitute “in the contracts named the Standard Civil Contract 2010 and Standard Civil Contract 2024”.

Amendments to the Civil Legal Aid (Remuneration) Regulations 2013

5.—(1) The Civil Legal Aid (Remuneration) Regulations 2013(c) are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) in the definition of “Category Definition” for “or the 2018 Standard Civil Contract;” substitute “, 2018 Standard Civil Contract or 2024 Standard Civil Contract;”;
- (b) in the definition of “the relevant contract” for “or the 2018 Standard Civil Contract” substitute “, 2017 Standard Crime Contract, 2018 Standard Civil Contract, 2022 Standard Crime Contract or 2024 Standard Civil Contract”; and
- (c) in the definition starting ““the 2018 Standard Civil Contract”” substitute “, “2017 Standard Crime Contract”, “2018 Standard Civil Contract”, “2022 Standard Crime Contract” and “2024 Standard Civil Contract””

(3) In regulation 5A (remuneration for civil legal services: Judicial Review)—

- (a) In paragraph (3)(a) for ““2010 Standard Crime Contract”” substitute “2010 Standard Crime Contract”, ““2017 Standard Crime Contract”, “2021 CLA Contract” or “2022 Standard Crime Contract””;
- (b) in paragraph (3)(b) for ““2013 CLA Contract” and “2018 CLA Contract”” substitute ““2013 CLA Contract”, “2018 CLA Contract” and “2024 CLA Contract””; and
- (c) in paragraph (3)(j) for “or the 2018 CLA Contract” substitute “, “2017 Standard Crime Contract”, “2018 CLA Contract”, “2022 Standard Crime Contract” or the “2024 CLA Contract””.

(4) In Part 1 of Schedule 1 (civil standard fees)—

- (a) in paragraph 2A, for “the 2016 Standard Civil Contract (Welfare Benefits) or the 2018 Standard Civil Contract.” substitute “2016 Standard Civil Contract (Welfare Benefits), 2018 Standard Civil Contract or 2024 Standard Civil Contract”;
- (b) in table 1 for “Actions Against the Police” substitute “Claims Against Public Authorities”; and

(a) S.I. 2013/503 as amended by S.I. 2014/1824, S.I. 2015/1678, S.I. 2016/983, S.I. 2018/803. There are other amending instruments, but none are relevant.

(b) S.I. 2013/480

(c) S.I. 2013/422 as amended by S.I. 2022/1379, S.I. 2018/803, S.I. 2022/1379, S.I. 2015/1678. There are other amending instruments, but none are relevant.

(c) in table 7 (Standard Fee), in the heading, for “and the 2018 Standard Civil Contract” substitute “, 2018 Standard Civil Contract and 2024 Standard Civil Contract”.

At 1.50 p.m. on 2nd September 2024

Heidi Alexander
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend four statutory instruments relating to the provision of civil legal services under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10) (“the Act”), as a result of the coming into force of the 2024 Standard Civil Contract on 1st September 2024.

Regulation 2 amends the Civil Legal Aid (Procedure) Regulations 2012 (S.I. 2012/3098), which makes provision about the making and withdrawal of determinations that an individual qualifies for civil legal services under sections 9 and 10 of the Act. Regulation 2 makes minor amendments, to make references to the 2021 CLA Contract (Education and Discrimination) and the 2024 Standard Civil Contract in the provisions governing the procedures for making applications for Gateway Work, Controlled Work, Licensed Work and Exceptional Cases.

Regulation 3 amends the Civil Legal Aid (Statutory Charge) Regulations 2013 (S.I. 2013/503) which makes provision about the statutory charge which arises over money and other property preserved or recovered by a legally aided party in civil proceedings and over costs payable to the legally aided party by another party to the proceedings. Regulation 4 makes minor amendments to make reference to the 2024 Standard Civil Contract.

Regulation 4 amends the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 (S.I. 2013/480) which makes provisions about the rules the Director of Legal Aid Casework 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 Act. Regulation 5 makes minor amendments to make reference to the 2024 Standard Civil Contract.

Regulation 5 amends the Civil Legal Aid (Remuneration) Regulations 2013 (S.I. 2013/422) which makes provisions about the payment by the Lord Chancellor to persons who provide civil legal services under arrangements made for the purpose of Part 1 of the Act, to enable remuneration to be paid to persons who provide civil legal services under the 2024 Standard Civil Contract and also makes reference to the 2017 and 2022 Standard Crime Contract. The regulation also changes the wording from actions against the police to claims against public authorities this is done to reflect the changes in terminology in the Standard Civil Contracts documentation.

The contracts referred to in these Regulations are available at www.gov.uk/legal-aid. Copies can be inspected at the Legal Aid Agency (Head Office) at 102 Petty France, London, SW1H 9AJ.

The impacts of the Government’s programme of legal aid reform implemented through the Act are set out in an Impact Assessment which was updated following the Act receiving Royal Assent. Copies are available at the Ministry of Justice, 102 Petty France, London SW1H 9AJ. An Impact Assessment has not been prepared specifically for this instrument.

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