

**2019 No. 130**

**LEGAL AID AND ADVICE, ENGLAND AND WALES**

**The Civil Legal Aid (Procedure) (Amendment) Regulations  
2019**

<i>Made</i> - - - -	<i>26th January 2019</i>
<i>Laid before Parliament</i>	<i>30th January 2019</i>
<i>Coming into force</i> - -	<i>20th February 2019</i>

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

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Civil Legal Aid (Procedure) (Amendment) Regulations 2019 and come into force on 20th February 2019.

(2) In these Regulations, the “2012 Regulations” means the Civil Legal Aid (Procedure) Regulations 2012(b).

**Amendment of the 2012 Regulations**

2.—(1) The 2012 Regulations are amended as follows.

(2) In regulation 35 (determinations: general)—

- (a) in paragraph (1)(a), after “determination relates” insert “(“the services”);
- (b) after paragraph (2) insert—

“(3) If the requirements in paragraph (4) are met, the Director may specify that a determination has effect from a date earlier than the date of the determination.

(4) The requirements are that—

- (a) the application for the services was made as soon as reasonably practicable;
- (b) the Director is satisfied that—
  - (i) it was in the interests of justice for the services to be carried out prior to the date of the determination; and
  - (ii) the services could not have been carried out as Controlled Work; and
- (c) in the case of reconsidering a determination on review or following an appeal, having regard to all the circumstances, including the information that was available to the provider when the application for the services or the application for the

---

(a) 2012 c.10. See section 42(1) for the meaning of “regulations”.  
(b) S.I. 2012/3098, to which there are amendments not relevant to these Regulations.

review was made, the Director is satisfied that it is appropriate for the determination to have effect from the earlier date.

(5) In paragraphs (3) and (4), “determination” includes a limitation or condition.”.

(3) In regulation 37 (certificates), in paragraph (2)(b), after “determination” insert “and, if different, the date on which the determination had effect”.

### **Savings**

3.—(1) The amendments made by regulation 2 do not apply to the determination of an application where the application was made before 20th February 2019.

(2) In this regulation, “application” means an application—

- (a) for Licensed Work under Part 4 of the 2012 Regulations; or
- (b) that is treated by the Director as an application for Special Case Work under Part 6 of the 2012 Regulations(a),

and for this purpose “Licensed Work” and “Special Case Work” have the meanings given in the 2012 Regulations.

*Lucy Frazer*  
Parliamentary Under Secretary of State  
Ministry of Justice

26th January 2019

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Regulation 2 of these Regulations amends the Civil Legal Aid (Procedure) Regulations 2012 (S.I. 2012/3098). In particular, it allows for a determination as to whether an individual qualifies for certain civil legal services to have effect from a date prior to the date of the determination in certain circumstances.

Regulation 3 of these Regulations contains a saving provision. Under this, the amendments made by regulation 2 do not apply to applications for civil legal services of the types described in regulation 3 which were made before 20th February 2019.

A full impact assessment has not been produced for these Regulations as no, or no significant, impact on business, charities or voluntary bodies is foreseen.

---

(a) See regulation 54(5) for the application of Part 4 (Licensed Work) to Part 6 (Special Case Work).