
STATUTORY INSTRUMENTS

2013 No. 104

The Civil Legal Aid (Merits Criteria) Regulations 2013

PART 6

SPECIFIC MERITS CRITERIA

CHAPTER 5

Housing

Criteria for determinations for full representation in relation to court orders for possession

61.—(1) For the purposes of a determination for full representation in relation to any matter described in paragraph 33(1)(a) of Part 1 of Schedule 1 to the Act (court orders for sale or possession of the individual's home), to the extent that it relates to court orders for possession of the individual's home, the criteria in—

- (a) regulation 39 (standard criteria for determinations for legal representation) apply;
 - (b) regulations 41 to 44 (criteria for determinations for full representation) do not apply; and
 - (c) paragraph (2) apply.
- (2) The Director must be satisfied that the following criteria are met—
- (a) if the individual is the defendant to a claim for possession, the individual has a defence to the claim;
 - (b) the prospects of success are very good, good, moderate or borderline; and
 - (c) the proportionality test is met.

Criteria for determinations for full representation in relation to other housing matters to which specific merits criteria apply

62.—(1) For the purposes of a relevant determination the criteria in—

- (a) regulations 39 (standard criteria for determinations for legal representation), 41(b) and 43 apply (prospects of success criterion);
 - (b) regulations 41(a) and (c) (criteria for determinations for full representation), 42 (costs benefit criteria) and 44 (multi-party action damages criterion) do not apply; and
 - (c) paragraph (2) apply.
- (2) The Director must be satisfied that—
- (a) the proportionality test is met; and
 - (b) the landlord or other person responsible for the matter complained of has been notified of the individual's complaint (except where this is impracticable) and, where such notice has been given, the landlord or other person has had a reasonable opportunity to resolve the matter.

(3) In this regulation, a relevant determination is a determination for full representation in relation to any matter described in—

- (a) paragraph 33(1)(b) of Part 1 of Schedule 1 to the Act (the eviction from the individual's home of the individual or others), to the extent that it relates to services provided to an individual in relation to the unlawful eviction from the individual's home of the individual or others;
- (b) paragraph 35 of Part 1 of Schedule 1 to the Act (risk to health or safety in rented home); or
- (c) paragraph 37 of Part 1 of Schedule 1 to the Act (protection from harassment), to the extent that it relates to the interference with an individual's enjoyment of their home (within the meaning of paragraph 35(4) of Part 1 of Schedule 1 to the Act) by a landlord or other person.

Criteria for determinations for investigative representation in relation to unlawful eviction cases

63.—(1) For the purposes of a determination for investigative representation in relation to any matter described in paragraph 33(1)(b) of Part 1 of Schedule 1 to the Act (the eviction from the individual's home of the individual or others), to the extent that it relates to services provided to an individual in relation to the unlawful eviction from the individual's home of the individual or others, the criteria in—

- (a) regulations 39 (standard criteria for determinations for legal representation) and 40(1)(a) and (b) (criteria for determinations for investigative representation) apply;
- (b) regulation 40(1)(c) and (2) do not apply; and
- (c) paragraphs (2) and (3) apply.

(2) Subject to paragraph (3), if the individual's claim is primarily a claim for damages or other sum of money in which the likely damages do not exceed £1,000, the case must be of significant wider public interest.

(3) For the purposes of paragraph (2), if the claim forms part of a multi-party action, only the lead claim within that action is capable of being a case of significant wider public interest.