

---

STATUTORY INSTRUMENTS

---

**2013 No. 104**

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

**The Civil Legal Aid (Merits Criteria) Regulations 2013**

*Made* - - - - - *22nd January 2013*

*Coming into force* *1st April 2013*

**THE CIVIL LEGAL AID (MERITS CRITERIA) REGULATIONS 2013**

**PART 1**

**INTERPRETATION AND GENERAL**

1. Citation and commencement
2. Interpretation
3. Delegation
4. Prospects of success
5. Prospects of success test
6. Public interest
7. Reasonable private paying individual test
8. Proportionality test
9. Likely damages
10. Likely costs
11. Qualifying for civil legal services

**PART 2**

**FORM OF CIVIL LEGAL SERVICES**

12. Form of civil legal services
13. Legal help
14. Help at court
15. Family help
16. Family mediation
17. Help with family mediation
18. Legal representation
19. Other legal services

**Changes to legislation:** The Civil Legal Aid (Merits Criteria) Regulations 2013 is up to date with all changes known to be in force on or before 27 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

### PART 3

#### AVAILABILITY OF FORMS OF CIVIL LEGAL SERVICES

20. Provision of the most appropriate form of civil legal services
21. Mental Health
22. Immigration and terrorism prevention and investigation measures etc
23. Special Immigration Appeals Commission, immigration: accommodation for asylum-seekers etc and victims of trafficking in human beings
24. Family disputes
25. Victims of domestic violence and family matters: family help (lower)
26. Public law children cases , parental placement and adoption cases and special Children Act 1989 cases
27. Victims of domestic violence and family matters: help with family mediation
28. Emergency representation
29. Civil legal services which do not include advocacy
30. Inquests
31. Cross-border disputes

### PART 4

#### GENERAL MERITS CRITERIA

32. Criteria for determinations for legal help
33. Criteria for determinations for help at court
34. Criterion for determinations for family help
35. Criteria for determinations for family help (lower)
36. Criteria for determinations for family help (higher)
37. Criteria for determinations for family mediation
38. Criteria for determinations for help with family mediation
39. Standard criteria for determinations for legal representation
40. Criteria for determinations for investigative representation
41. Criteria for determinations for full representation
42. Cost benefit criteria for determinations for full representation
43. Prospects of success criterion for determinations for full representation
44. Multi-party action damages criterion for determinations for full representation
45. Criterion for determinations for other legal services
46. Criteria for determinations for family help (higher) or legal representation provided as emergency representation

### PART 5

#### APPLICATION OF THE MERITS CRITERIA

47. Application of the merits criteria in cases described in more than one paragraph of Part 1 of Schedule 1 to the Act
48. Application of the merits criteria in exceptional inquest cases
49. Application of the merits criteria in cases which are exceptional cases excluded from Part 1 of Schedule 1 to the Act
50. Application of the merits criteria in cases which are exceptional cases other than by virtue of the exclusions in Part 2 or 3 of Schedule 1 to the Act

PART 6  
SPECIFIC MERITS CRITERIA

CHAPTER 1

Mental Health and Mental Capacity

51. Criteria for determinations for full representation in relation to mental health proceedings
52. Criteria for determinations for full representation in relation to mental capacity proceedings

CHAPTER 2

Public law

53. Standard criteria for determinations for legal representation in relation to public law claims
54. Standard criteria for determinations for investigative representation in relation to public law claims
55. Criteria for determinations for investigative representation in relation to public law claims
56. Criteria for determinations for full representation in relation to public law claims
- 56A. Criteria for determinations in relation to Dublin III claims

CHAPTER 3

Claims against public authorities

57. Criteria for determinations for investigative representation in relation to claims against public authorities
58. Criteria for determinations for full representation in relation to claims against public authorities
59. Criteria for determinations for full representation in relation to claims against public authorities: multi-party action damages criterion

CHAPTER 4

Immigration

60. Criteria for determinations for full representation in relation to immigration

CHAPTER 5

Housing

61. Criteria for determinations for full representation in relation to court orders for possession
62. Criteria for determinations for full representation in relation to other housing matters to which specific merits criteria apply

**Changes to legislation:** The Civil Legal Aid (Merits Criteria) Regulations 2013 is up to date with all changes known to be in force on or before 27 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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

## CHAPTER 6

### Family

64. Standard criteria for determinations for full representation in relation to certain family disputes
65. Criteria for determinations for full representation in relation to special Children Act 1989 cases , parental placement and adoption cases and certain cases relating to Transitional EU arrangements and international agreements
66. Criteria for determinations for full representation in relation to public law children cases and parental guardianship cases
67. Criteria for determinations for full representation in relation to domestic violence cases
68. Criteria for determinations for full representation in relation to private law children cases and certain cases relating to Transitional EU arrangements and international agreements
69. Criteria for determinations for full representation in relation to other family cases to which specific merits criteria apply
70. Criteria for determinations in relation to the EU Maintenance Regulation
71. Criteria for determinations in relation to the 2007 Hague Convention

## CHAPTER 7

### Cross-border disputes

72. Criteria for determinations in relation to cross-border disputes

## CHAPTER 8

### Legal persons

73. Criteria for determinations in relation to legal persons
  74. Standard criteria for legal help and legal representation in relation to legal persons
  75. Criteria for determinations for legal representation in relation to legal persons
- Signature  
Explanatory Note

**Changes to legislation:**

The Civil Legal Aid (Merits Criteria) Regulations 2013 is up to date with all changes known to be in force on or before 27 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- reg. 11(9)(d) word omitted by [2023 c. 37 s. 56\(5\)\(a\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 11(9)(e) and word inserted by [2022 c. 36 s. 25\(3\)](#)
- reg. 11(9)(f) and word inserted by [2023 c. 37 s. 56\(5\)\(b\)](#)