
STATUTORY INSTRUMENTS

2013 No. 104

The Civil Legal Aid (Merits Criteria) Regulations 2013

PART 3

AVAILABILITY OF FORMS OF CIVIL LEGAL SERVICES

Provision of the most appropriate form of civil legal services

- 20.**—(1) Where the Director determines in accordance with regulations 21 to 31 that—
- (a) an individual or a legal person qualifies for civil legal services under Part 1 of the Act; and
 - (b) that more than one form of civil legal services could be provided for that individual or legal person,

the services provided must be those the Director considers most appropriate in all the circumstances.

(2) Regulations 21 to 31 apply, in relation to any matter referred to in those regulations, for the purpose of determining which form of civil legal services is most appropriate in relation to that matter.

Mental Health

21. Investigative representation is not appropriate in relation to any matter described in paragraph 5(1)(a) or (b) of Part 1 of Schedule 1 to the Act (mental health), to the extent that it relates to proceedings before the First-tier Tribunal or the Mental Health Review Tribunal for Wales.

Immigration and terrorism prevention and investigation measures etc

22. Help at court and investigative representation are not appropriate in relation to any matter described in any of the following paragraphs of Part 1 of Schedule 1 to the Act (civil legal services)—

- (a) paragraphs 25 to 30 of Part 1 of Schedule 1 to the Act (immigration), to the extent they relate to proceedings before the First-tier Tribunal or the Upper Tribunal;
- (b) paragraph 32(1) (victims of trafficking in human beings); and
- (c) paragraph 45 of Part 1 of Schedule 1 to the Act (terrorism prevention and investigation measures etc).

Special Immigration Appeals Commission, immigration: accommodation for asylum-seekers etc and victims of trafficking in human beings

23. Help at court is not appropriate in relation to any matter described in any of the following paragraphs of Part 1 of Schedule 1 to the Act (civil legal services)—

- (a) paragraph 24 (Special Immigration Appeals Commission); and
- (b) paragraph 31 (immigration: accommodation for asylum-seekers etc).

Family disputes

24.—(1) Help at court and investigative representation are not appropriate in relation to a family dispute.

(2) Full representation is not appropriate in relation to any matter described in paragraph 14 of Part 1 of Schedule 1 to the Act (mediation in family disputes).

Victims of domestic violence and family matters: family help (lower)

25. Family help (lower) is not appropriate in relation to any matter described in paragraph 12 of Part 1 of Schedule 1 to the Act (victims of domestic violence and family matters) to the extent that it relates to a petition for divorce under section 1 of the Matrimonial Causes Act 1973⁽¹⁾ or an application for a dissolution order under section 44 of the Civil Partnership Act 2004⁽²⁾.

Public law children cases and special Children Act 1989 cases

26. Family help (higher) is not appropriate in public law children cases or special Children Act 1989 cases.

Victims of domestic violence and family matters: help with family mediation

27. Help with family mediation described in regulation 17(b) is not appropriate in relation to any matter arising under an enactment specified in paragraph (e), (i), (k), (l) or (o) of the definition of “family enactment” in paragraph 12(9) (victims of domestic violence and family matters) of Part 1 of Schedule 1 to the Act (civil legal services).

Emergency representation

28. Legal representation and family help (higher) are the only forms of civil legal services which are appropriate for an individual who qualifies for emergency representation.

Civil legal services which do not include advocacy

29. Legal representation, family help (higher) and help at court are not appropriate forms of civil legal services in relation to any matter in which the civil legal services available under Part 1 of the Act do not include advocacy.

Inquests

30. Legal help is the only form of civil legal services which is appropriate in relation to any matter described in paragraph 41 of Part 1 of Schedule 1 to the Act (inquests).

Cross-border disputes

31. Legal help and legal representation are the only forms of civil legal services which are appropriate in relation to any matter described in paragraph 44 of Part 1 of Schedule 1 to the Act (cross-border disputes).

(1) 1973 c.18.

(2) 2004 c.33.