
STATUTORY INSTRUMENTS

2014 No. 1562

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

The Legal Aid, Sentencing and Punishment of Offenders
Act 2012 (Community Care) Regulations 2014

<i>Made</i>	- - - -	<i>10th June 2014</i>
<i>Laid before Parliament</i>		<i>16th June 2014</i>
<i>Coming into force</i>	- -	<i>7th July 2014</i>

The Lord Chancellor makes the following Regulations⁽¹⁾ in exercise of the powers conferred by section 41(3)(c) of, and paragraph 6(3) of Part 1 of Schedule 1 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012⁽²⁾.

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Community Care) Regulations 2014 and come into force on 7th July 2014.

(2) In these Regulations, “the Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Prescribed relevant person for the purposes of paragraph 6 of Part 1 of Schedule 1 to the Act

2. A clinical commissioning group⁽³⁾ is prescribed as a “relevant person” for the purpose of paragraph 6 of Part 1 of Schedule 1 to the Act.

Application

3. The provision made by regulation 2 does not apply to a pre-commencement application for civil legal services.

(1) Section 42(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10) provides that in Part 1 of the Act “regulations” means regulations made by the Lord Chancellor and “prescribed” means prescribed by regulations.

(2) 2012 c.10.

(3) A clinical commissioning group is a body established under section 14D of the National Health Service Act 2006 (c.41) (“the 2006 Act”). Section 14D is inserted by section 25(1) of the Health and Social Care Act 2012 (c.7) (“the 2012 Act”). See also section 11 of the 2006 Act, inserted by section 10 of the 2012 Act.

Pre-commencement applications for civil legal services

4. (1) For the purpose of regulation 3, a “pre-commencement application for civil legal services” means an application for civil legal services that is made before 7th July 2014.

(2) For the purpose of this regulation, an application is made before 7th July 2014 if the application is—

- (a) for Controlled Work and the application is signed and dated before 7th July 2014;
- (b) for Licensed Work or an exceptional case determination under section 10 of the Act, other than an application for emergency representation, and the application is—
 - (i) signed and dated before 7th July 2014 and received by the Director by 5.00pm on 14th July 2014; or
 - (ii) submitted through the Client and Cost Management System before 7th July 2014; or
- (c) for emergency representation and the application—
 - (i) results in a determination being made by a provider before 7th July 2014 and that determination is notified within five working days of the determination to the Director;
 - (ii) is emailed or faxed to, and received by, the Director before 7th July 2014; or
 - (iii) is submitted through the Client and Cost Management System before 7th July 2014.

(3) In this regulation—

“Client and Cost Management System” means the client and cost management system used by the Director in relation to applications for civil legal services;

“Controlled Work” has the meaning given in regulation 21(2) of the Procedure Regulations;

“emergency representation” has the meaning given in regulation 2 of the Procedure Regulations;

“Licensed Work” has the meaning given in regulation 29(2) of the Procedure Regulations;

“the Procedure Regulations” means the Civil Legal Aid (Procedure) Regulations 2012(4);

“provider” means a person who provides civil legal services under Part 1 (legal aid) of the Act; and

“working day” means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(5).

Signed by authority of the Lord Chancellor

10th June 2014

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

(4) S.I. 2012/3098, to which there are amendments which are not relevant to these Regulations.

(5) 1971 c.80.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Civil legal aid is available for certain community care matters set out in paragraph 6 of Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10) (“the Act”), subject to the application of a means and merits test.

The National Health Service Act 2006 (c.41), as amended by the Health and Social Care Act 2012 (c.7), makes provision for bodies corporate known as clinical commissioning groups. These Regulations make provision under the Act to ensure that civil legal services may be provided in relation to community care services which are provided or arranged by clinical commissioning groups.

An impact assessment has not been prepared for this instrument as it has no impact on business and civil society organisations. It has a negligible impact on the public sector.