
STATUTORY INSTRUMENTS

2023 No. 150

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Legal Aid: Family and Domestic Abuse) (Miscellaneous Amendments) Order 2023

Amendments to the Civil Legal Aid (Merits Criteria) Regulations 2013

5.—(1) The Civil Legal Aid (Merits Criteria) Regulations 2013⁽¹⁾ are amended as follows.

(2) In regulation 2 (interpretation) at the appropriate place insert—

““parental guardianship case” means matters described in paragraph 1A of Part 1 of Schedule 1 to the Act (special guardianship) to the extent that the individual to whom civil legal services may be provided—;

- (a) is the parent of, or has parental responsibility for, the child who is or would be the subject of the order; and
- (b) opposes the order,

but does not include appeals from final orders made under section 14A of the Children Act 1989;

“parental placement and adoption case” means matters described in paragraph 1(1)(i) of Part 1 of Schedule 1 to the Act (care, supervision and protection of children) to the extent that they relate to a placement order or an adoption order under section 21 or 46 of the Adoption and Children Act 2002⁽²⁾ where the individual to whom civil legal services may be provided—

- (a) is the parent of, or has parental responsibility for, the child who is or would be the subject of the placement order or, as the case may be, the adoption order; and
- (b) opposes the placement order or, as the case may be, the adoption order,

but does not include appeals from final orders made under either of those provisions of the Adoption and Children Act 2002;

“parental responsibility” has the same meaning as in the Children Act 1989;”

(3) In regulation 2 (interpretation), in the definition of “public law children case”, in sub-paragraph (a) after “1989 case”, insert “or a parental placement and adoption case”;

(4) In regulation 2 (interpretation), in the definition of “family dispute”, after sub-paragraph (a) insert—

“(aa) paragraph 1A (special guardianship);”.

(5) In regulation 2 (interpretation), in the definition of “private law children case”, immediately before sub-paragraph (a) insert—

“(za) paragraph 1A (special guardianship) to the extent that—

- (i) the matter is not a parental guardianship case; and
- (ii) the matter does not fall within paragraph 1(2) of Part 1 of Schedule 1;”.

(1) S.I. 2013/104, to which there are amendments not relevant to this Order.

(2) 2002 c. 38, to which there have been amendments not relevant to this Order.

(6) In—

- (a) the heading to regulation 26 (public law children cases and special Children Act 1989 cases), after “public law children cases” insert “, parental placement and adoption cases”;
- (b) regulation 26, after “public law children cases” insert “, parental placement and adoption cases”.

(7) In—

- (a) the heading to regulation 65 (criteria for determinations for full representation in relation to special Children Act 1989 cases and certain cases relating to Transitional EU arrangements and international agreements), after “1989 cases” insert “, parental placement and adoption cases”;
- (b) regulation 65(2)—
 - (i) at the end of sub-paragraph (a) omit “or”;
 - (ii) after sub-paragraph (a) insert—
 - “(aa) a determination for full representation in parental placement and adoption cases; or”.

(8) In—

- (a) the heading to regulation 66 (criteria for determinations for full representation in relation to public law children cases), after “public law children cases” insert “and parental guardianship cases”;
- (b) regulation 66(1), after “public law children case” insert “or a parental guardianship case”;
- (c) regulation 66(2), after “public law children case” insert “or a parental guardianship case”.