



Ministry
of Justice



Legal Aid
Agency

Authorisations given pursuant to section 6, for the purposes of section 5(4), of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), in relation to functions of the Director of Legal Aid Casework under the Civil Legal Aid (Financial Resources & Payment for Services) Regulations 2013 (SI2013/480)

The terms used in this document should be read in accordance with their use in LASPO and any secondary legislation made under that Act. For the avoidance of doubt:

1. “authorised representation” has the same meaning as given to that term in regulation 39(1) of the Civil Legal Aid (Procedure) Regulations 2012; and
2. “the relevant contract” means the applicable contract between the Lord Chancellor and a Provider or Mediator that governs the provision services in relation to which the determination is being made;
3. “the Provider” means a person who has made an arrangement with the Lord Chancellor under section 2(1) of LASPO to provide civil legal services under Part 1 of LASPO or to determine eligibility for such services; and
4. “the Mediator” means a mediator with whom the Lord Chancellor has made an arrangement under section 2(1) of the Act for the mediator to provide family mediation in accordance with a code of practice approved by the Lord Chancellor.

Civil Legal Aid (Financial Resources & Payment for Services) Regulations 2013			
Regulation	Function	Who exercises the function in the Regulations	Who is authorised to exercise the function in practice
4 (Determination in respect of an individual's financial resources)	Requirement to make a determination on financial eligibility for civil legal services	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work and family mediation (as defined in the Procedure Regulations), the Provider, or the Mediator, subject to the terms of the relevant contract.



Ministry
of Justice



Legal Aid
Agency

In relation to Licensed Work (as defined by the Procedure Regulations) the Provider where:

1. The application is for authorised representation; or,
2. The application is being submitted to the Legal Aid Agency electronically and the following conditions are met:
 - a) The determination is being made under regulations 6(2) and 6(4) of the Financial Regulations;
 - b) The aggregate cash savings of the client and their partner is less than £2,000 and neither party holds, has access to, or any interest in, any other form of capital;
 - c) The case does not involve any of the circumstances set out in the Annex to this table of authorisations; and
 - d) The application is made in accordance with the terms of the relevant contract.



Ministry
of Justice



Legal Aid
Agency

<p>5 (Exceptions from requirement to make a determination in respect of an individual's financial resources)</p>	<p>Civil legal services which are not means tested</p>	<p>The Director of Legal Aid Casework</p>	<p>The Legal Aid Agency</p> <p>In relation to controlled work, family mediation and authorised representation only (as defined in the Procedure Regulations):</p> <ol style="list-style-type: none">1. the Provider or the Mediator, subject to the relevant contract and paragraph 2 below;2. Providers and Mediators are not permitted to determine that the requirements of regulation 5(1)(na) of the Financial Regulations have been met.
--	--	---	---



Ministry of Justice



Legal Aid Agency

6(1), (2) and (4) (Individuals in receipt of certain support)	Making a determination in respect of an individual's financial resources where an individual is in receipt of certain benefits or support	The Director of Legal Aid Casework	<p>The Legal Aid Agency</p> <p>In relation to controlled work and family mediation (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.</p> <p>In relation to Licensed Work (as defined by the Procedure Regulations), the Provider where:</p> <ol style="list-style-type: none">1. The application is for authorised representation; or2. The application is being submitted to the Legal Aid Agency electronically and the following conditions are met:<ol style="list-style-type: none">a) The aggregate cash savings of the client and their partner is less than £2,000 and neither party holds, has
--	---	------------------------------------	--



Ministry
of Justice



Legal Aid
Agency

			<p>access to, or any interest in, any other form of capital;</p> <p>b) The case does not involve any of the circumstances set out in the Annex to this table of authorisations; and</p> <p>c) The application is made in accordance with the terms of the relevant contract.</p>
6(3) (Individuals in receipt of certain support)	Making a determination in respect of an individual's financial resources where an individual is in receipt of certain EU benefits or support	The Director of Legal Aid Casework	The Legal Aid Agency
7 (Financial eligibility limit – gross income)	Determination about gross income	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation and authorised representation only (as defined in the Procedure Regulations) the Provider or the Mediator, subject to the terms of the relevant contract



Ministry
of Justice



Legal Aid
Agency

8 (Financial eligibility limit – disposable income and disposable capital)	Determinations about disposable income and disposable capital	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract
9 (Waiver of eligibility limit in multi-party actions of significant wider public interest)	Discretion to waive eligibility limits and all or part of any contribution in certain cases	The Director of Legal Aid Casework	The Legal Aid Agency
10 (Waiver of eligibility limits and contributions in inquests)	Discretion to waive eligibility limits and all or part of any contribution in certain cases	The Director of Legal Aid Casework	The Legal Aid Agency
11 (Waiver of eligibility limit and contributions in cross-border disputes)	Discretion to waive eligibility limits and all or part of any contribution in certain cases	The Director of Legal Aid Casework	The Legal Aid Agency
12 (Waiver of eligibility limit in proceedings relating to domestic violence and forced marriage)	Discretion to waive eligibility limits in certain cases	The Director of Legal Aid Casework	The Legal Aid Agency In relation to an application for authorised representation covering emergency representation for domestic violence injunctions, the Provider, subject to the terms of the relevant contract.



Ministry
of Justice



Legal Aid
Agency

13 (Provision of information)	Receiving information	The Director of Legal Aid Casework	<p>The Legal Aid Agency</p> <p>In relation to controlled work and family mediation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.</p> <p>In relation to Licensed Work (as defined by the Procedure Regulations) the Provider where:</p> <ol style="list-style-type: none">1. The application is for authorised representation; or,2. The application is being submitted to the Legal Aid Agency electronically and the following conditions are met:<ol style="list-style-type: none">a) The determination is being made under regulations 6(2) and 6(4) of the Financial Regulations;b) The aggregate cash savings of the client and their partner is less than £2,000 and neither party holds, has access to, or any interest in, any other form of capital;c) The case does not involve any of the circumstances set
-------------------------------	-----------------------	------------------------------------	--



Ministry
of Justice



Legal Aid
Agency

			<p>out in the Annex to this table of authorisations; and</p> <p>d) The application is made in accordance with the terms of the relevant contract.</p>
14(1), (2) & (4) (Calculations)	Receiving information	The Director of Legal Aid Casework	<p>The Legal Aid Agency</p> <p>In relation to controlled work and family mediation (as defined in the Procedure Regulations), the Provider or the Mediator, subject to terms of the relevant contract.</p> <p>In relation to Licensed Work (as defined by the Procedure Regulations) the Provider where:</p> <ol style="list-style-type: none"> 1. The application is for authorised representation; or, 2. The application is being submitted to the Legal Aid Agency electronically and the following conditions are met: <ul style="list-style-type: none"> a) The determination is being made under regulations 6(2) and 6(4) of the Financial Regulations;



Ministry
of Justice



Legal Aid
Agency

			<ul style="list-style-type: none"> b) The aggregate cash savings of the client and their partner is less than £2,000 and neither party holds, has access to, or any interest in, any other form of capital; c) The case does not involve any of the circumstances set out in the Annex to this table of authorisations; and d) The application is made in accordance with the terms of the relevant contract.
14(3) (Calculations)	Deciding on an appropriate equivalent period.	The Director of Legal Aid Casework	<p>The Legal Aid Agency</p> <p>Only as per circumstances set out at paragraph 5.2, 5.3 and 6.6 of the Lord Chancellor's Guidance: the Provider or the Mediator, subject to the terms of the relevant contract.</p>
15 (Application in representative, fiduciary or official capacity)	Calculating an individual's disposable income and disposable capital when they are acting in a representative, fiduciary or official capacity	The Director of Legal Aid Casework	<p>The Legal Aid Agency</p> <p>In relation to controlled work, family mediation, and authorised representation only (as defined in the</p>



Ministry
of Justice



Legal Aid
Agency

			Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract
16 (Resources to be treated as the individual's resources)	Treating resources of another persons as the individual's resources when calculating an individual's financial resources	The Director of Legal Aid Casework	<p>The Legal Aid Agency</p> <p>In relation to controlled work and family mediation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract as appropriate.</p> <p>In relation to Licensed Work (as defined by the Procedure Regulations) the Provider where:</p> <ol style="list-style-type: none"> 1. The application is for authorised representation; or, 2. The application is being submitted to the LAA electronically and the following conditions are met: <ol style="list-style-type: none"> a) The determination is being made under regulations 6(2) and 6(4) of the Financial Regulations; b) The aggregate cash savings of the client and their partner is less than £2,000 and neither party holds, has



Ministry
of Justice



Legal Aid
Agency

			<p>access to, or any interest in, any other form of capital;</p> <p>c) The case does not involve any of the circumstances set out in the Annex to this table of authorisations; and</p> <p>d) The application is made in accordance with the terms of the relevant contract.</p>
17 (Deprivation or conversion of resources)	Treating resources that the individual has deprived themselves of or transferred or converted as those of the individual or as not so converted	The Director of Legal Aid Casework	The Legal Aid Agency
18 (Duty to report change in financial circumstances)	Receiving a report of a change in circumstances	The Director of Legal Aid Casework	The Legal Aid Agency (in licensed work cases) The Provider or the Mediator, subject to the terms of the relevant contract



Ministry
of Justice



Legal Aid
Agency

19 (Amendment of determination due to error or receipt of new information)	Amending a determination in respect of an individual's financial resources	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work and family mediation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.
20(1) and (2) (Further determinations)	Making a further determination in respect of an individual's financial resources, or deciding not to make a further determination	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work and family mediation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.
20(3) (Further determinations)	Deciding on an appropriate other period of one month	The Director of Legal Aid Casework	The Legal Aid Agency
20(6) (Further determinations)	Requiring contributions to be paid in respect of costs already incurred	The Director of Legal Aid Casework	The Legal Aid Agency



Ministry
of Justice



Legal Aid
Agency

20(7) (Further determinations)	Deciding not to make a further determination	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work and family mediation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.
21 (Calculation of income)	Calculating an individual's income	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.



Ministry
of Justice



Legal Aid
Agency

22 (Calculation of income from trade, business or gainful employment)	Calculating an individual's income from trade etc	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation, and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.
23(2) (Deductions for income tax and national insurance contributions)	Deductions for income tax and national insurance	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.
23(3) (Deductions for income tax and national insurance)	Deductions for income tax and national insurance	The Director of Legal Aid Casework	The Legal Aid Agency In relation to authorised representation only, the Provider or the Mediator, subject to the terms of the relevant contract.



Ministry
of Justice



Legal Aid
Agency

24(1) (Payments to be disregarded from calculation of disposable income or gross income)	Payments to be disregarded in calculating an individual's disposable income or gross income	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.
24(2) (Payments to be disregarded from calculation of disposable income or gross income)	Payments to be disregarded in calculating an individual's disposable income or gross income in relation to cross-border disputes	The Director of Legal Aid Casework	The Legal Aid Agency
25 (Deductions in respect of a partner and dependants of the individual)	Deductions to be made in calculating disposable income	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation, and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.



Ministry
of Justice



Legal Aid
Agency

26 (Deduction in respect of maintenance)	Deduction for maintenance payments	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation, and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.
27 (Deductions in respect of employment expenses and child care costs)	Making deductions for employment expenses	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.



Ministry
of Justice



Legal Aid
Agency

28(2), (3), (6) and (7) (Deductions in respect of rent or cost of living accommodation)	Making deductions for rent or cost of living accommodation	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation, and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.
28(4) (Deductions in respect of rent or cost of living accommodation)	Making deductions for rent or cost of living accommodation	The Director of Legal Aid Casework	The Legal Aid Agency
29 (Deductions in respect of contribution orders)	Making deductions in respect of criminal legal aid contribution orders	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation, and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.



Ministry
of Justice



Legal Aid
Agency

30 (Calculating disposable capital)	Calculating disposable capital	The Director of Legal Aid Casework	<p>The Legal Aid Agency</p> <p>In relation to controlled work and family mediation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.</p> <p>In relation to Licensed Work (as defined by the Procedure Regulations) the Provider where:</p> <ol style="list-style-type: none">1. The application is for authorised representation; or2. The application is being submitted to the LAA electronically and the following conditions are met:<ol style="list-style-type: none">a) The determination is being made under regulations 6(2) and 6(4) of the Financial Regulations;b) The aggregate cash savings of the client and their partner is less than £2,000 and neither party holds, has access to, or any interest in, any other form of capital;c) The case does not involve any of the circumstances set
-------------------------------------	--------------------------------	------------------------------------	--



Ministry
of Justice



Legal Aid
Agency

			out in the Annex to this table of authorisations; and d) The application is made in accordance with the terms of the relevant contract
31 (Value of resource of a capital nature)	Assessing value	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation, and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.
32 (Value of any money due)	Assessing present value	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.



Ministry
of Justice



Legal Aid
Agency

33 (Value of life insurance etc)	Assessing the amount which could be readily borrowed on the security of a life insurance or endowment policy	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.
34 (Exclusions from disposable capital)	Making exclusions from the assessment of disposable capital	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.



Ministry
of Justice



Legal Aid
Agency

35 (Interest in common property)	Calculating the value of an interest in common property	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.
36(3) (Value of the business etc)	Treating an individual as the sole owner or partner in a business	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation, and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.



Ministry
of Justice



Legal Aid
Agency

36(4) (Value of the business etc)	Calculating the value of an interest in a business	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation, and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.
37(1) (Interest in land)	Calculating the value of an interest in land	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.



Ministry
of Justice



Legal Aid
Agency

37(4) (Interest in land)	Deciding on the main dwelling	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.
38-39, and 41 (Disregards)	Disregards from capital	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work, family mediation and authorised representation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.
40 (Disregards)	Certain payments to be disregarded	The Director of Legal Aid Casework	The Legal Aid Agency In relation to controlled work and family mediation only (as defined in the Procedure Regulations), the Provider or the Mediator, subject to the terms of the relevant contract.



Ministry
of Justice



Legal Aid
Agency

			<p>In relation to Licensed Work (as defined by the Procedure Regulations) the Provider where:</p> <ol style="list-style-type: none">1. The application is for authorised representation; or,2. The application is being submitted to the Legal Aid Agency electronically and the following conditions are met:<ol style="list-style-type: none">a) The determination is being made under regulations 6(2) and 6(4) of the Financial Regulations;b) The aggregate cash savings of the client and their partner is less than £2,000 and neither party holds, has access to, or any interest in, any other form of capital;c) The case does not involve any of the circumstances set out in the Annex to this table of authorisations; andd) The application is made in accordance with the terms of the relevant contract.
--	--	--	--



Ministry
of Justice



Legal Aid
Agency

42-43 (Disregards)	Disregards from capital	The Director of Legal Aid Casework	The Legal Aid Agency
44 (Contributions)	Determining the contribution, determining if additional contributions are required and waiving all or part of the contributions in certain circumstances	The Director of Legal Aid Casework	The Legal Aid Agency
45 (Contributions where more than one certificate is in force)	Deciding under which certificate contributions must be paid	The Director of Legal Aid Casework	The Legal Aid Agency



Ministry
of Justice



Legal Aid
Agency

ANNEX

The Provider may not exercise delegated functions to determine financial eligibility for Licensed Work under regulations 6(2) and 6(4) of the Financial Regulations where:

1. The client is high profile
2. The client resides outside the UK
3. The client or their partner is subject to a restraint (freezing) order
4. The client or their partner's assets are the subject matter of dispute in separate proceedings
5. The client or their partner assets are subject to foreign exchange controls
6. The client or their partner is subject to a bankruptcy order
7. The client or their partner owns or have a financial interest in a property
8. The client or their partner owns or have a financial interest in land
9. The client or their partner is a beneficiary of will
10. The client or their partner owns or have a financial interest in a timeshare
11. The client or their partner has investments
12. The client or their partner have shares in a public limited company
13. The client or their partner have valuable possessions valued at £500 or above
14. The client or their partner have policies not linked to mortgage/death
15. The client or their partner have use of a car owned by someone else
16. The client or their partner are owed money (including through a private mortgage)
17. The client or their partner have an interest in a trust
18. The client or their partner have any other capital
19. The client or their partner have transferred, sold, or given away assets
20. The client or their partner have made purchases over £2,500
21. The client or their partner were paid over £2,500
22. The client or their partner get financial help
23. The client or their partner are self-employed
24. The client or their partner are in a business partnership



Ministry
of Justice

25. The client or their partner are a director and/or shareholder
26. Upcoming changes are expected for the client or partner



Legal Aid
Agency