

Authorisations given pursuant to section 6, for the purposes of section 5(2) and section 5(4), of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), in relation to functions of the Lord Chancellor and the Director under the Civil Legal Aid (Procedure) Regulations 2012 (SI 2012/3098)

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 (Procedure) Regulations 2012			
Regulation	Function	Who exercises the function in the Regulations	Who is authorised to exercise the function in practice
10 (Other legal services)	Making an exceptional case determination under s10 of LASPO Act 2012	The Director of Legal Aid Casework	The Legal Aid Agency
11(1)(d) (Notification)	Authorising a method of delivery	The Director of Legal Aid Casework	The Legal Aid Agency

13 (Disregarding determinations)	Deciding whether a determination is to be disregarded	The Director of Legal Aid Casework	The Legal Aid Agency
15(1) and (5)(a) (Legal persons)	Specifying the form of the application	The Lord Chancellor	The Legal Aid Agency
15(2) (Applications by legal persons)	Requesting additional information and documents	The Director of Legal Aid Casework	The Legal Aid Agency
15(4) (Applications by legal persons)	Providing reason for refusal or withdrawal of a determination and notice of any right of review	The Director of Legal Aid Casework	The Legal Aid Agency
15(6) (Applications by legal persons)	Considering and dealing with an application for review	The Director of Legal Aid Casework	The Legal Aid Agency
17 (Gateway Work - Applicants)	Making determinations in relation to applications made through the Gateway	The Director of Legal Aid Casework	The Provider, subject to the terms of the relevant contract.
18 (Gateway Work – The application)	Making available an electronic format for applications	The Lord Chancellor	The Legal Aid Agency
19(2) (Gateway Work – Determinations)	Amending the provider specified in a determination	The Director of Legal Aid Casework	The Provider, subject to the terms of the relevant contract.

23(1) (Controlled Work - The application)	Specifying the form of the application	The Lord Chancellor	The Legal Aid Agency
23(6) (Controlled Work – The application)	Requesting additional information and documents	The Director of Legal Aid Casework	The Legal Aid Agency The Provider, subject to the terms of the relevant contract
24(1) (Controlled Work - Position of providers)	Receiving notice of misrepresentation	The Director of Legal Aid Casework	The Legal Aid Agency
25(1) (Controlled Work - Reasons)	Notifying the individual of determination or withdrawal	The Director of Legal Aid Casework	The Legal Aid Agency The Provider, subject to the terms of the relevant contract
25(2) (Controlled Work - Reasons)	Providing reasons for a determination or withdrawal of a determination, notice of the right to a review and information about alternative funding sources	The Director of Legal Aid Casework	The Legal Aid Agency The Provider, subject to the terms of the relevant contract
26 (Controlled Work – Withdrawal of determinations)	Withdrawing a determination	The Director of Legal Aid Casework	The Provider, subject to the terms of the relevant contract .
27 (Controlled Work - Review)	Considering an application for review	The Director of Legal Aid Casework	The Legal Aid Agency The Provider, subject to the terms of the relevant contract

30(5) (Licensed Work - Applicants)	Waiving any or all of the requirements about applications	The Director of Legal Aid Casework	The Legal Aid Agency, or for authorised representation, the Provider, subject to the terms of the relevant contract
31(1) (Licensed Work - The application)	Specifying the form of the application	The Lord Chancellor	The Legal Aid Agency
31(5) (“the effective administration of justice test”)	Deciding whether a case satisfies “the effective administration of justice test”	The Director of Legal Aid Casework	The Legal Aid Agency
31(6) (Licensed Work - The application)	Requesting additional information and documents	The Director of Legal Aid Casework	The Legal Aid Agency, or for authorised representation, the Provider, subject to the terms of the relevant contract
32(1) (Licensed Work - Supporting documents: damages)	Considering likely damages	The Director of Legal Aid Casework	The Legal Aid Agency, or for authorised representation, the Provider, subject to the terms of the relevant contract
35(1) (Licensed Work – determinations and limitations)	Specifying the limitations (including maximum costs) and conditions to which the determination is subject)	The Director of Legal Aid Casework	<p>The Legal Aid Agency, or in the case of authorised representation, the Provider, subject to the terms of the relevant contract.</p> <p>For authorised representation provided in relation to emergency representation, the Provider may exercise delegated functions in</p>

			<p>accordance with the following conditions:</p> <ol style="list-style-type: none">1. the Provider holds Schedule Authorisation under the relevant contract in the relevant Category of Law or the work to be undertaken is in relation to an anti-social behaviour injunction which falls within the definition of Miscellaneous Work or in relation to Domestic Abuse Protection Orders and Domestic Abuse Protection Notices;2. the determination being limited to work or a stage of the proceedings satisfying the interests of justice test for emergency representation;3. where emergency representation is granted in relation to obtaining a protective injunction the Provider is authorised to make a determination in relation to Family Help (Higher) for private law children proceedings being heard at the same time;
--	--	--	--

			<p>4. For authorised representation provided as emergency representation the time limit being 16 weeks; and,</p> <p>5. the determination being subject to a cost limitation not exceeding £4,500 excluding VAT unless justification of exceptional circumstances is provided to the Director</p> <p>The Provider must not exercise any function under this regulation in respect of an application for judicial review, other than in relation to proceedings under:</p> <ol style="list-style-type: none"> 1. Part VII Housing Act 1996; 2. Section 21 of the National Assistance Act 1948; 3. Section 20 of the Children Act 1989; 4. Section 47(5) National Health Service and Community Care Act 1990; 5. Section 19(3) of the Care Act 2014; or,
--	--	--	--

			<p>6. Section 36 of the Social Services and Well-Being (Wales) Act 2014.</p> <p>The Provider must not exercise any function under this regulation where the determination that the client qualifies for civil legal services is dependent on the case having significant wider public interest.</p> <p>The Provider must not exercise any function under this regulation where the civil legal services being sought can only be made available as Exceptional Case Funding under section 10 of LASPO.</p> <p>The Provider can make a determination that an individual qualifies for Licensed Work in the following circumstances:</p> <ol style="list-style-type: none">1. the application relates to an individual for whom the Legal Aid Agency has determined qualifies for Licensed Work ("the original determination") and that determination has not been withdrawn;2. neither the determination nor the original determination
--	--	--	---

			<p>relate to an application for civil legal services for judicial review;</p> <ol style="list-style-type: none">the determination is in the same Category of Law as the original determination;the determination is for proceedings that arise out of the same dispute, issue, or incident as the original determination;in cases within the Family Category of Law, that the proceedings covered by the determination and the original determination are likely to be recorded on the same certificate by the Director, having regard to the paragraph 10.8 of the Lord Chancellor's Guidance on Civil Legal Aid;the determination does not relate to a claim for damages arising out of the proceedings that were the subject of the original determination;The aggregate cost limit for the original determination and any further determinations falling
--	--	--	--

			<p>under this paragraph does not exceed £7,900 excluding VAT unless, for Family cases only, a higher cost limit is already in place; and,</p> <p>8. the determination is not a determination that an individual qualifies for full representation following an original determination that the individual qualifies for investigative representation.</p>
35(2)(a) (Licensed Work – Determinations: general)	Withdrawing a determination	The Director of Legal Aid Casework	The Legal Aid Agency
35(2)(b) (Licensed Work – Determinations: general)	Amending a limitation or condition to which a determination is subject	The Director of Legal Aid Casework	<p>The Legal Aid Agency, or the Provider in accordance with paragraphs 1 to 6 below, and subject to the relevant contract:</p> <p>1. The Provider can amend a limitation or condition where a determination that the individual qualifies for Licensed Work has been made by the Legal Aid Agency, subject to the following conditions:</p>

			<ul style="list-style-type: none"> the determination being limited to the most appropriate work or a stage of the proceedings; the determination not extending to an application to the Court of Appeal or any onward proceedings beyond this stage; and, the determination being subject to a cost limitation not exceeding £7,900 excluding VAT, unless, for Family cases only, a higher cost limit is already in place. <p>The Provider cannot amend a limitation of condition under this paragraph 1 where they are providing civil legal services by virtue of a relevant contract in the following areas:</p> <ul style="list-style-type: none"> Claims Against Public Authorities Category of Law Immigration and Asylum Category of Law Clinical Negligence Category of Law Discrimination Category of Law Civil legal services described as Associated Civil Work provided under the Standard Crime Contract
--	--	--	---

			<p>2. The Provider can amend a limitation or condition where a determination that the individual qualifies for Licensed Work has been made on an emergency basis by that Provider, subject to:</p> <ul style="list-style-type: none"> the Provider holding a Schedule Authorisation under the relevant contract in the relevant Category of Law or the work to be undertaken is in relation to an anti-social behaviour injunction which fall within the definition of Miscellaneous Work or in relation to Domestic Abuse Protection Orders and Domestic Abuse Protection Notices the amendment being limited to work or a stage of the proceedings satisfying the interests of justice test for emergency representation the Provider not being authorised to amend the time limit to which an emergency certificate is subject under regulation 52(1)(a); and, No amendment is made to increase a cost limitation beyond £4,500 excluding VAT
--	--	--	--

			<p>unless justification of exceptional circumstances is provided to the Legal Aid Agency.</p> <p>3. The Provider must not exercise any function under this regulation in respect of an application for judicial review, other than in relation to proceedings under:</p> <ul style="list-style-type: none"> • Part VII Housing Act 1996; • Section 21 of the National Assistance Act 1948; • Section 20 of the Children Act 1989; • Section 47(5) National Health Service and Community Care Act 1990; • Section 19(3) of the Care Act 2014; or, • Section 36 of the Social Services and Well-Being (Wales) Act 2014. <p>4. The Provider must not exercise any function under this regulation where the determination that the client qualifies for civil legal services is dependent on the case having significant wider public interest.</p> <p>5. The Provider must not exercise any function under this regulation where the</p>
--	--	--	---

			civil legal services being sought can only be made available as Exceptional Case Funding under section 10 of LASPO.
36(3)(a) (Licensed Work – Determinations: contributions)	Specifying the form to indicate acceptance of a condition	The Lord Chancellor	The Legal Aid Agency
37(1) and (3) (Licensed Work - Certificates)	Issuing a certificate recording a determination	The Director of Legal Aid Casework	The Legal Aid Agency
37(2)(f) (Licensed Work - Certificates)	Deciding whether it is inappropriate to name any of the parties to any proceedings	The Director of Legal Aid Casework	The Legal Aid Agency
37(3)(b) (Licensed Work - Certificates)	Deciding whether proceedings should be covered by a single certificate	The Director of Legal Aid Casework	The Legal Aid Agency
37(4), (5) and (6) (Licensed Work – Certificates)	Amending a certificate	The Director of Legal Aid Casework	The Legal Aid Agency
37(5) (Licensed Work – Certificates)	Specifying a form to apply to amend a certificate	The Lord Chancellor	The Legal Aid Agency
37(7) (Licensed Work – Certificates)	Sending the amended certificate to the individual and provider	The Director of Legal Aid Casework	The Legal Aid Agency

37(8) (Licensed Work - Certificates)	Withdrawing a certificate	The Director of Legal Aid Casework	The Legal Aid Agency
38(1)(b), and (4)(b) (Licensed Work - Notice of determinations)	Specifying the form of the notice of a determination	The Lord Chancellor	The Legal Aid Agency
38(4)(b) (Licensed Work - Notice of determinations)	Directing that notice of a new or amended determination does not need to be served	The Director of Legal Aid Casework	The Legal Aid Agency
39(1) (Licensed Work - Authorised representation)	Specifying the form of the notification of a determination	The Lord Chancellor	The Legal Aid Agency
39(2) (Licensed Work – Authorised representation)	Removing or amending any limitation or condition imposed or imposing a new limitation or condition	The Director of Legal Aid Casework	The Legal Aid Agency (the power to amend does not include the power to extend the time limit to which the emergency determination is subject under Regulation 52(1)(a))
40(1) (Licensed Work - Reporting duties)	Requesting that an individual should attend a meeting with the Director	The Director of Legal Aid Casework	The Legal Aid Agency
40(2) and (3) (Licensed Work - Reporting duties)	Receiving reports from providers	The Director of Legal Aid Casework	The Legal Aid Agency

41 (Licensed Work – Position of providers of services)	Receiving notice of misrepresentation	The Director of Legal Aid Casework	The Legal Aid Agency
42(1) (Licensed Work - Withdrawal of determination)	Withdrawing or revoking a determination	The Director of Legal Aid Casework	<p>The Legal Aid Agency, or the Provider where the withdrawal is made on the following grounds:</p> <ol style="list-style-type: none"> 1. the services made available by the determination have been provided (regulation 42(1)(b)) 2. the proceedings to which the determination relates have been concluded (regulation 42(1)(c)) 3. the individual consents (regulation 42(1)(e)); or 4. the individual has died (regulation 42(1)(f)).
42(2) (Licensed Work - Withdrawal of determination)	Revoking or withdrawing the determination	The Director of Legal Aid Casework	The Legal Aid Agency.
42(3) (Licensed Work - Withdrawal of determination)	Notifying the individual of an intention to withdraw a determination	The Director of Legal Aid Casework	The Legal Aid Agency, or, subject to the terms of the relevant contract, the Provider where the withdrawal of the determination is made by the Provider on the basis of regulation 42(1)(c).

42(6) (Licensed Work - Withdrawal of determination)	Determining that the withdrawal is to be treated as a revocation following the provision of new information	The Director of Legal Aid Casework	The Legal Aid Agency.
43(1) (Licensed Work - Reasons)	Providing reasons for a determination or withdrawal of a determination, notice of the right to a review and information about alternative funding sources	The Director of Legal Aid Casework	The Legal Aid Agency, or, subject to the terms of the relevant contract, the Provider, where the reasons relate to: <ol style="list-style-type: none"> 1. refusal of an application for authorised representation; or, 2. withdrawal of a determination where this has been made by the Provider.
43(2)(a) (Licensed Work - Reasons)	Specifying the form of the notice of a determination or withdrawal of a determination	The Lord Chancellor	The Legal Aid Agency
44 (Licensed Work - Review)	Considering an application for review, ensuring that a certificate accurately records the decision following review and notifying the individual and provider.	The Director of Legal Aid Casework	The Legal Aid Agency
44(2) (Licensed Work - Review)	Specifying the form of the application for review	The Lord Chancellor	The Legal Aid Agency

46(2)(b) and (3)(b) (Licensed Work – Appeal)	Notifying the individual	The Director of Legal Aid Casework	The Legal Aid Agency
47(2)(b) and (3)(b) (Appeal: power to decide certain issues)	Notifying the individual	The Director of Legal Aid Casework	The Legal Aid Agency
48 (Licensed Work – Appeal: reconsideration by the Director)	Reconsidering a decision referred by the Independent Funding Adjudicator and ensuring that a certificate accurately records the decision following reconsideration	The Director of Legal Aid Casework	The Legal Aid Agency
49 (Licensed Work - Notice to third parties)	Specifying the form of the notice of withdrawal of a determination	The Lord Chancellor	The Legal Aid Agency
51 (Emergency representation – The application)	Agreeing to accept applications for emergency representation by certain methods	The Director of Legal Aid Casework	The Legal Aid Agency, or, in the case of authorised representation provided on an emergency basis, the Provider, subject to the terms of the relevant contract
52(1) (Emergency representation – Determination)	Considering whether it would be in the interests of justice to make a determination on the basis of limited information and documents	The Director of Legal Aid Casework	The Legal Aid Agency, or, in the case of authorised representation provided on an emergency basis, the Provider, subject to the terms of the relevant contract and the provisions of any

			authorisation under the Civil Legal Aid (Merits Criteria) Regulations 2013
52(2)and (3) (Emergency representation – Determination)	Deciding whether to withdraw a determination	The Director of Legal Aid Casework	The Legal Aid Agency
54 (Special case work – General)	Deciding whether to treat an application as an application for Special Case Work	The Director of Legal Aid Casework	The Legal Aid Agency
55(1) (Special case work - Conditions)	Making a determination about Special Case Work	The Director of Legal Aid Casework	The Legal Aid Agency
55(2)(Special case work – Conditions)	Specifying the form of the costed case plan	The Lord Chancellor	The Legal Aid Agency
55(3)(Special case work - Conditions)	Making a determination about a case of significant wider public interest conditional upon individual not settling without consent	The Director of Legal Aid Casework	The Legal Aid Agency
57(3) (Special case work - Multi-party actions)	Making a determination in relation to a multi-party action	The Director of Legal Aid Casework	The Legal Aid Agency
57(4) (Special case work – Multi-party actions)	Sending notices in relation to a multi-party action	The Director of Legal Aid Casework	The Legal Aid Agency

57(5) (Special case work - Multi-party actions)	Deciding whether to waive requirements in relation to a multi-party action	The Director of Legal Aid Casework	The Legal Aid Agency
58(4) (Special case work – Special controls)	Referring issues to the Special Controls Review Panel	The Director of Legal Aid Casework	The Legal Aid Agency
58(9) (Special case work – Special controls)	Considering the report of the Special Controls Review Panel and making a determination	The Director of Legal Aid Casework	The Legal Aid Agency
61(b) (Family mediation – The application)	Specifying the form of the application	The Lord Chancellor	The Legal Aid Agency
62 (Family mediation - Mediators)	Approving the code of practice	The Lord Chancellor	The Legal Aid Agency
63(1) (Family Mediation – Reasons)	Informing the individual of a determination or withdrawal	The Director of Legal Aid Casework	The Mediator, subject to the terms of the relevant contract
63(2) (Family mediation – Reasons)	Providing reasons for a determination or withdrawal of a determination, notice of the right to a review and information about alternative funding sources	The Director of Legal Aid Casework	The Mediator, subject to the terms of the relevant contract
63(2)(a) (Family mediation – Reasons)	Specifying the form of the notice of a determination or withdrawal of a determination	The Lord Chancellor	The Legal Aid Agency

64 (Family mediation – Withdrawal of determinations)	Withdrawing a determination	The Director of Legal Aid Casework	The Mediator, subject to the terms of the relevant contract
65 (Family mediation – Review)	Considering an application for review	The Director of Legal Aid Casework	The Mediator, subject to the terms of the relevant contract
67 (Exceptional Cases – The application)	Specifying the form of the application	The Lord Chancellor	The Legal Aid Agency
69(2)(a) (Exceptional Cases – Review)	Specifying the form of the application for review	The Lord Chancellor	The Legal Aid Agency
69(3) to (5) (Exceptional Cases – Review)	Considering and dealing with an application for review and notifying the individual	The Director of Legal Aid Casework	The Legal Aid Agency
69(5) (Exceptional cases – Review)	Issuing, amending or withdrawing a certificate to reflect the decision on review	The Director of Legal Aid Casework	The Legal Aid Agency
69(6) (Exceptional cases – Review)	Notifying the individual and the provider of the decision following review	The Director of Legal Aid Casework	The Legal Aid Agency