

Categories, Proceedings and Delegated Functions

Matter type and Proceedings	Delegated Functions	Exclusions	Comments
Community Care			
Section 117 of the Mental Health Act 1983	Y	All parts 2 and 3	<p>In relation to Judicial Review proceedings, delegated functions are restricted to the following matters only:</p> <ul style="list-style-type: none"> (i) Part VII Housing Act 1996; (ii). Section 21 of the National Assistance Act 1948; (iii). Section 20 of the Children Act 1989; (iv). Section 47(5) National Health Service and Community Care Act 1990; (v). Section 19(3) of the Care Act 2014; or, (vi). Section 36 of the Social Services and Well-Being (Wales) Act 2014.
Section 17 of the Children Act 1989	Y		
Section 20 of the Children Act 1989	Y		
sections 22A, 22B and 22C of the Children Act 1989	Y		
Sections 23B and 23C of the Children Act 1989	Y		
Sections 24, 24A and 24B of the Children Act 1989	Y		
Part 1 of the Care Act 2014	Y		
Section 15 of the Social Services and Well-being (Wales) Act 2014	Y		
Part 4 of the Social Services and Well-being (Wales) Act 2014	Y		
Section 76 of the Social Services and Well-being (Wales) Act 2014	Y		
Sections 79, 80 and 81 of the Social Services and Well-being (Wales) Act 2014	Y		

Sections 105 to 116 of the Social Services and Well-being (Wales) Act 2014	Y		
Civil legal services provided in relation to the inherent jurisdiction of the High Court in relation to children and vulnerable adults including Life Sustaining treatment	Y		
Civil legal services provided in relation a person’s capacity, their best interests (health and welfare), and deprivation of liberty issues under Section 5(1)(c) of the Mental Capacity Act 2005	Y		
Education			
Matters arising under Part 4 of the Education Act 1996	Y	All Parts 2 and 3	In relation to Judicial Review proceedings, delegated functions are restricted to the following matters only: (i) Part VII Housing Act 1996; (ii). Section 21 of the National Assistance Act 1948; (iii). Section 20 of the Children Act 1989; (iv). Section 47(5) National Health Service and Community Care Act 1990; (v). Section 19(3) of the Care Act 2014; or, (vi). Section 36 of the Social Services and Well-Being (Wales) Act 2014.
Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018	Y		
Matters arising under Part 3 of the Children and Families Act 2014 Special Educational Needs	Y		
Assessments relating to learning difficulties under sections 140 of the Learning and Skills Act 2000.	Y		
Debt (proceedings can also be submitted under the Housing category)			
Court orders for sale of an individual’s home including counterclaims.	Y	Parts 2 and 3	Home means the house, caravan, houseboat or other vehicle or structure that is the individual’s only or main residence.

Court orders for possession of an individual's home arising out of failure to make payment due under a mortgage including counterclaims	y	Part 2 para 14 in relation to a business does not apply but only where the business includes the individual's home.	Counterclaims must assist with the defence to the claim for possession or be in scope in their own right
A bankruptcy order against the individual under Part 9 of the Insolvency Act 1986 where the estate includes the individual's home and where the petition for bankruptcy was not presented by the client, including in relation to a statutory demand under Part 9 of that Act.	y	In relation to counterclaims Part 2 paragraphs 3 to 6 and 8 do not apply 3 Civil legal services provided in relation to a claim in tort in respect of assault, battery or false imprisonment. 4 Civil legal services provided in relation to a claim in tort in respect of trespass to goods. 5 Civil legal services provided in relation to a claim in tort in respect of trespass to land. 6 Civil legal services provided in relation to damage to property. 8 Civil legal services provided in relation to a claim in tort in respect of breach of statutory duty.	
Counterclaims in relation to proceedings for a court order for sale	y	The following proceedings do not fall under the Debt matter type: (a) proceedings under the Matrimonial Causes Act 1973; (b) proceedings under Chapters 2 and 3 of Part 2 of the Civil Partnership Act 2004	

		An application from a person who is occupying the 'home' as a trespasser or started occupation of the 'home' as a trespasser is out of scope for legal aid.	
Housing			
Possession of an individual's home (other than mortgage possession) including counterclaims	y	Parts 2 and 3	<p>Home means the house, caravan, houseboat or other vehicle or structure that is the individual's only or main residence.</p> <p>1 In relation to Judicial Review proceedings, delegated functions are restricted to the following matters only:</p> <p>(i) Part VII Housing Act 1996; (ii). Section 21 of the National Assistance Act 1948; (iii). Section 20 of the Children Act 1989; (iv). Section 47(5) National Health Service and Community Care Act 1990; (v). Section 19(3) of the Care Act 2014; or, (vi). Section 36 of the Social Services and Well-Being (Wales) Act 2014.</p> <p>Counterclaims must assist with the defence to the claim for possession or be in scope in their own right.</p> <p>Applications to vary or discharge an injunction under section 153A of the Housing Act 1996 injunctions or an order under the Protection from Harassment Act 1997 only fall in the housing category where the other side is the client's landlord.</p>
Eviction from an individual's home of the individual or others, including unlawful eviction and planning eviction matters and closure orders not arising out of criminal conduct including counterclaims	y	Part 2 para 14 in relation to a business does not apply but only where the business includes the individual's home.	
Counterclaims in relation to proceedings for a court order for possession of the individual's home, or services provided to an individual in relation to the unlawful eviction from the individual's home of the individual or others.	y	In relation to counterclaims Part 2 paragraphs 3 to 6 and 8 do not apply 3 Civil legal services provided in relation to a claim in tort in respect of assault, battery or false imprisonment. 4 Civil legal services provided in relation to a claim in tort in respect of trespass to goods.	
The provision of accommodation and assistance under Parts 6 and 7 of the Housing Act 1996 for an individual who is homeless or threatened with homelessness and Part 2 of the Housing (Wales) Act 2014	See comment 1	5 Civil legal services provided in relation to a claim in tort in respect of trespass to land.	
The provision of accommodation by way of community care services in the following matters and in relation to an individual who is homeless or threatened with homelessness; (a)section 117 of the Mental Health Act 1983 (b)section 17 of the Children Act 1989 (c)section 20 of the Children Act 1989	See comment 1	6 Civil legal services provided in relation to damage to property. 8 Civil legal services provided in relation to a claim in tort in respect of breach of statutory duty.	

(d)sections 22A, 22B and 22C of the Children Act 1989 Act; (e)sections 23B and 23C of the Children Act 1989); (f)sections 24, 24A and 24B of the Children Act 1989 (g)Part 1 of the Care Act 2014 (h) section 15 of the Social Services and Well-being (Wales) Act 2014 (i)Part 4 of the Social Services and Well-being (Wales) Act 2014 (j)section 76 of Social Services and Well-being (Wales) Act 2014; (k)sections 79, 80 and 81 of the Social Services and Well-being (Wales) Act 2014; (l)sections 105 to 116 of the Social Services and Well-being (Wales) Act 2014		<p>The following proceedings do not fall under the Housing matter type:</p> <p>(a) proceedings under the Matrimonial Causes Act 1973; (b) proceedings under Chapters 2 and 3 of Part 2 of the Civil Partnership Act 2004.</p> <p>An application from a person who is occupying the 'home' as a trespasser or started occupation of the 'home' as a trespasser is out of scope for legal aid.</p> <p>.</p>	
Housing disrepair to remove or reduce a serious risk of harm to the health or safety of the individual or relevant family member where the risk arises from a deficiency in the individual's rented or leased home and the legal services are provided with a view to securing that the landlord makes arrangements to remove or reduce the risk.	Y		
Applications to vary or discharge an injunction under section 153A of the Housing Act 1996;	Y		
injunctions under the Protection from Harassment Act 1997	Y		

Accommodation provided by the Secretary of State under section 4 or 95 of the Immigration and Asylum Act 1999 and section 17 of the Nationality, Immigration and Asylum Act 2002	See Comment 1		
Public Law/Judicial Review			
Public law challenges to the acts, omissions or decisions of public bodies by way of judicial review or habeas corpus	See Comment 1	Part 2 with the exception of paragraphs 1 to 6, 8, 12, 15, 16 and 18 Part 3	1. In relation to Judicial Review proceedings, delegated functions are restricted to the following matters only: (i) Part VII Housing Act 1996; (ii). Section 21 of the National Assistance Act 1948; (iii). Section 20 of the Children Act 1989; (iv). Section 47(5) National Health Service and Community Care Act 1990; (v). Section 19(3) of the Care Act 2014; or, (vi). Section 36 of the Social Services and Well-Being (Wales) Act 2014.
Injunctions to prevent gang-related violence under Part 4 of the Policing and Crime Act 2009	Y		
Welfare Benefits			
Appeals on a point of law in the Upper Tribunal in relation to The Vaccine Damage Payments Act 1979 Part 4 of the Child Maintenance and Other Payments Act 2008) the Social Security Contributions and Benefits Act 1992, the Jobseekers Act 1995, the State Pension Credit Act 2002, the Tax Credits Act 2002, the Welfare Reform Act 2007, the Welfare Reform Act 2012, or	See comment 1	Parts 2 and 3 apart from Part 2 paragraphs 1 and 15	1. In relation to Judicial Review proceedings, delegated functions are restricted to the following matters only: (i) Part VII Housing Act 1996; (ii). Section 21 of the National Assistance Act 1948; (iii). Section 20 of the Children Act 1989; (iv). Section 47(5) National Health Service and Community Care Act 1990; (v). Section 19(3) of the Care Act 2014; or, (vi). Section 36 of the Social Services and Well-Being (Wales) Act 2014.

any other enactment relating to social security.			
Crime Civil			
Injunctions to prevent gang-related violence under Part 4 of the Policing and Crime Act 2009 (crossover in Public Law)	Y	Parts 2 and 3	
Anti-social behaviour injunctions under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014	Y		
Domestic Abuse Protection orders (DAPO) made under the following sections of the Domestic Abuse Act 2021 section 28 section 31(2) or (7) 31(3), (5) or (6) section 40 section 44(2)(b) section 44 section 46(1) (3) or (4) (5) Proceedings for contempt of court in relation to a domestic abuse protection order	Y		
Miscellaneous work - Civil legal services that are not included within any Category of Law are classified as “Miscellaneous Work”.			
Proceedings in relation to the inclusion of a person in a barred list or the removal of a person from a barred list	N	All Parts 2 and 3	
A disqualification order under section 28, 29, or 29A of the Criminal Justice and Court Services	N		

Act 2000 (disqualification from working with children)			
A direction under section 142 of the Education Act 2002 (prohibition from teaching etc	N		
Protection from Harassment injunction under section 3 or 3A of the Protection from Harassment Act 1997 where the matter does not fall within the family or housing categories.	N		
The variation or discharge of a restraining order under section 5 or 5A of Protection from Harassment Act that Act where the matter does not fall within the family or housing categories	N		
Injunctions to prevent gang-related violence under Part 4 of the Policing and Crime Act 2009 (crossover in Public Law)	Y		
Anti-social behaviour injunctions under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014	Y		
Domestic Abuse Protection orders (DAPO) made under the following sections of the Domestic Abuse Act 2021 section 28 section 31(2) or (7) 31(3), (5) or (6) section 40 section 44(2)(b) section 44 section 46(1) (3) or (4) (5)	Y		

Proceedings for contempt of court in relation to a domestic abuse protection order			
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Family				
Proceedings	Delegated Functions	Gateway Evidence	Exclusions	Comments
Secure Accommodation Orders under s25 of the Children Act 1989 and related proceedings and those proceedings being heard together	Y See comment 1	N	<p>Parts 2 and 3 apply</p> <p>In relation to home rights, occupation orders and non-molestation orders under Part 4 of the Family Law Act 1996 and DAPOs, an injunction following assault, battery or false imprisonment and an order under the inherent jurisdiction of the High Court to protect an adult part 2 paragraphs 3 and 11 do not apply</p> <p>In relation to private law proceedings brought into scope with domestic abuse evidence part 2 paragraph 11 does not apply</p> <p>In relation to proceedings marked 1 to 5, part 2 para 11 does not apply</p>	<p>In relation to Secure Accommodation Orders under s25 Children Act 1989 or section 119 of the Social Services and Well-being (Wales) Act 2014 non means non merits legal aid is available for the child subject to the proceedings (Special Children Act)</p> <p>In relation to Section 31 Children Act 1989 care and supervision orders, section 43 Child Assessment Orders, section 44 Emergency Protection Order and section 45 duration of Emergency Protection Orders non means non merits legal aid for the child subject to the proceedings and parent or person with parental responsibility (Special Children Act)</p> <p>1. In relation to the Special Children Act proceedings above providers can delegate to issue a substantive certificate and not emergency.</p> <p>Where the application relates to a placement order or an adoption order under section 21 or 46 of the Adoption and Children Act 2002 if the client is a parent or person with parental responsibility opposing the application for adoption or placement then those proceedings are non means tested. All appeals against orders are means tested.</p>
Orders under Part 4 of the Children Act (Care and related proceedings and those proceedings being heard together	Y See comment 1	N		
Orders under Part 5 of the Children Act (protection of children) and related proceedings and those proceedings being heard together	Y See comment 1	N		
Approval by a court under paragraph 19 of Schedule 2 to the Children Act (arrangements to assist children to live abroad) and related proceedings and those proceedings being heard together;	Y	N		
Parenting orders under section 8 of the Crime and Disorder Act 1998 and related proceedings and those proceedings being heard together;	Y	N		
Child safety orders under section 11 the Crime and Disorder Act 1998 and related proceedings and those proceedings being heard together;	Y	N		
Orders for contact under section 26 of the Adoption and Children Act 2002 and related	Y	N		

proceedings and those proceedings being heard together			<p>2 Applications under the 1980 Hague Convention are only in scope where the child has been unlawfully removed to England/Wales</p> <p>3 Where a provider is instructed by ICACU to represent the applicant seeking to secure the return of the child or rights of access to the child then those proceedings are non means and non-merits tested. Delegated functions cannot be used. Applications should be submitted as per the instructions contained in the ICACU letter.</p> <p>In relation to Special Guardianship Orders Where the client is a parent or person opposing the order or parent or person seeking to discharge a Special Guardianship order then those proceedings are non means tested. All appeals against final orders are means tested.</p> <p>Section 14 of the Trusts of Land and Appointment of Trustees Act 1996 proceedings are only in scope where the property which is the subject of the application is or was occupied by the client and opponent as their home.</p> <p>In relation to private law family proceedings no evidence is required in relation to services provided to a child where the child is, or proposes to be, the applicant or respondent or is made a party to the proceedings and either represented by a guardian or not. However, when the child attains the age of 18</p>
Applications for leave of the court to remove a child from a person's custody under section 36 Adoption and Children Act 2002 and related proceedings and those proceedings being heard together	Y	N	
Placement orders, recovery orders or adoption orders under Chapter 3 of Part 1 of the Adoption and Children Act 2002 and related proceedings and those proceedings being heard together.	Y	N	
Orders under section 84 of the Adoption and Children Act 2002 (parental responsibility prior to adoption abroad) and related proceedings and those proceedings being heard together.	Y	N	
Orders under section 119 of the Social Services and Well-being (Wales) Act 2014 (secure accommodation) and related proceedings and those proceedings being heard together;	Y	N	
Approval by a court under section 124 of the Social Services and Well-being (Wales) Act 2014 (arrangements to assist children to live abroad and related proceedings and those proceedings being heard together	Y	N	
The inherent jurisdiction of the High Court in relation to children including Life Sustaining treatment	Y	N	

Home rights, occupation orders and non-molestation orders under Part 4 of the Family Law Act 1996	Y	N		<p>then if proceedings are still ongoing valid evidence needs to be submitted for consideration.</p> <p>In relation to Judicial Review proceedings, delegated functions are restricted to the following matters only:</p> <ul style="list-style-type: none"> (i) Part VII Housing Act 1996; (ii). Section 21 of the National Assistance Act 1948; (iii). Section 20 of the Children Act 1989; (iv). Section 47(5) National Health Service and Community Care Act 1990; (v). Section 19(3) of the Care Act 2014; or, (vi). Section 36 of the Social Services and Well-Being (Wales) Act 2014.
Domestic Abuse Protection orders (DAPO) made under the following sections of the Domestic Abuse Act 2021 section 28 section 31(2) or (7) 31(3), (5) or (6) section 40 section 44(2)(b) section 44 section 46(1) (3) or (4) (5) Proceedings for contempt of court in relation to a domestic abuse protection order	Y	N		
Injunctions following assault, battery and false imprisonment in circumstances arising out of a family relationship	Y	N		
Proceedings under section 3, 3A, 5 or 5A of the Protection from Harassment Act 1997	Y	N		
Proceedings under section 3, 3A, 5 or 5A of the Protection from Harassment Act 1997	Y	N		
Female genital mutilation protection orders under paragraph 1 of Schedule 2 to the Female Genital Mutilation Act 2003 (as described in paragraph 15A of Part 1 of Schedule 1 to the Act);	Y	N		

Forced marriage protection orders under Part 4A of the Family Law Act 1996 (as described in paragraph 16 of Part 1 of Schedule 1 to the Act);	Y	N		
Services provided to a child where the child is, or proposes to be, the applicant or respondent or is made a party to the proceedings and either represented by a guardian or not.	Y	N		
An application under the 1980 European Convention on Child Custody for the recognition or enforcement in England and Wales of a decision relating to the custody of a child;	Y	N		
An application under the 1980 Hague Convention in respect of a child who is, or is believed to be, in England and Wales in relation to Child Abduction and Article 21 Rights of Access proceedings	Y See comment 2 and 3	N		
The recognition or enforcement of a judgment in England and Wales in accordance with Article 21, 28, 41, 42 or 48 of the 2003 Brussels Regulation.	Y	N		
1. The recognition or enforcement in England and Wales of a maintenance order under i. the 1968 Brussels Convention ii. the 1973 Hague Convention iii. the 1989 Lugano Convention; iv. the 2000 Brussels Regulation v. the 2007 Lugano Convention;	Y	N		

2. an application under Article 56 of the EU Maintenance Regulation (applications relating to maintenance decisions)	Y	N		
3. The recognition, enforceability or enforcement of a maintenance decision in circumstances in which the individual falls within Article 47(2) or (3) of the EU Maintenance Regulation (parties who benefited from free legal aid etc in Member State of origin)	Y	N		
4. Application under Article 10 of the 2007 Hague Convention (applications relating to maintenance decisions).	Y	N		
5. Civil legal services provided to an individual in relation to proceedings in England and Wales relating to the recognition or enforcement of a maintenance decision in circumstances in which— (a)Article 17(b) of the 2007 Hague Convention (free legal assistance for persons who benefited from such assistance in State of origin) applies to the proceedings by virtue of Article 37(2) of that Convention	Y	N		
Private law proceedings brought into scope without evidence				
Proceedings in relation to unlawful removal or potential unlawful removal of children from the United Kingdom (para 10(1) LASPO namely;	Y			

(a) a prohibited steps order or specific issue order (as defined in section 8(1) of the Children Act 1989); (b) an order under section 33 of the Family Law Act 1986 for disclosure of the child's whereabouts; (c) an order under section 34 of that Act for the child's return; (d) a requirement under section 37 of that Act to surrender a passport issued to, or containing particulars of, the child.				
Proceedings in relation to the return of children unlawfully removed to a place in the United Kingdom (para 10(2) LASPO namely; a) a prohibited steps order or specific issue order (as defined in section 8(1) of the Children Act 1989); (b) an application under section 27 of the Family Law Act 1986 for registration of an order relating to the child; (c) an order under section 33 of that Act for disclosure of the child's whereabouts; (d) an order under section 34 of that Act for the child's return.	Y			
Civil legal services provided in relation to special guardianship orders (as defined in section 14A of the Children Act 1989)	Y			
Private law proceedings brought into scope with evidence of domestic abuse				
Section 17 of the Married Women’s Property Act 1882;	Y			

The Maintenance Orders (Facilities for Enforcement) Act 1920;	Y			
The Maintenance Orders Act 1950;	Y			
The Maintenance Orders Act 1958;	Y			
The Maintenance Orders (Reciprocal Enforcement) Act 1972;	Y			
Schedule 1 to the Domicile and Matrimonial Proceedings Act 1973 (staying of matrimonial proceedings);	Y			
The Matrimonial Causes Act 1973;	Y			
The Inheritance (Provision for Family Dependents) Act 1975; January 2024	Y			
The Domestic Proceedings and Magistrates' Courts Act 1978;	Y			
Part 3 of the Matrimonial and Family Proceedings Act 1984;	Y			
Parts 1 and 3 of the Family Law Act 1986;	Y			
Parts 1 and 2 of the Children Act 1989;	Y			
Section 53 of, and Schedule 7 to, the Family Law Act 1996;	Y			
Chapters 2 and 3 of Part 2 of the Civil Partnership Act 2004;	Y			
Section 54 of the Human Fertilisation and Embryology Act 2008	Y			

Section 51A of the Adoption and Children Act 2002	Y			
Applications for an order under section 14 of the Trusts of Land and Appointment of Trustees Act 1996 arising out of a family relationship	Y			
Private law proceedings brought into scope with evidence of domestic abuse or child abuse				
Orders under section 4(2A) of the Children Act 1989 (removal of father’s parental responsibility);				
Orders under section 6(7) of the Children Act 1989 (termination of appointment of guardian);	Y			
Orders mentioned in section 8(1) of the Children Act 1989 (child arrangement orders and other orders);	Y			
Orders under section 33 of the Family Law Act 1986 (disclosure of child’s whereabouts);	Y			
Orders under section 34 of the Family Law Act 1986 (return of child)	Y			
Orders under section 51A of the Adoption and Children Act 2002 (post-adoption contact)	Y			