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Legal Aid
Agency

Further Advice for Providers

Contingency BC+ Procedures - Civil Applications

Date October 2025 Version 3.0



Date added	Question	Answer
25/06/25	When can providers use delegated functions on initial applications for emergency funding?	Useful link to all guidance: Legal Aid Agency cyber security incident - GOV.UK Providers can use delegated functions to grant themselves emergency funding if they have <u>any</u> work to undertake (which falls within the scope of Legal Aid regulations) and any subsequent work under the time limit of the emergency certificate. A tables of Delegated Authorities Procedural Regulations details what providers can delegate for, subject to the terms of the relevant contact, can be found • Table of delegated functions for the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 Table of Delegated Functions Financial Resources June 2025 (MS Word Document, 63.5 KB) • Table of Delegated Functions for the Civil Legal Aid (Procedure) Regulations 2012 Table of Delegated Functions Procedure Regulations June 2025 (MS Word Document, 68.1 KB) • Table of Delegated Functions for the Civil Legal Aid (Merits Criteria) Regulations 2013 Table of Delegated Functions Merits Criteria June 2025 (MS Word Document, 73.1 KB)
25/06/25	How long will an emergency Certificate last?	The time limit of an emergency certificate is 32 weeks; the provider can continue to amend for any related proceedings, scope and costs of their emergency grant for the 32 weeks, or until they submit the application on CCMS for the LAA determination.

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25/06/25	What cost limit will be imposed on an emergency certificate?	A £9,000 standard costs limitation will be granted on an emergency certificate. Providers have the ability to increase the use of their delegated functions for a higher cost limit under emergency representation where it can be justified.
25/06/25	How do providers report the use of their delegated functions?	There is no need for providers to submit Delegated Functions applications to the LAA under contingency, providers can submit on CCMS when LAA systems are restored. The requirement to notify the Legal Aid Agency of an emergency grant within 5 days has been waived. Applications should be submitted once access to the LAA Online Portal has been restored.
25/06/25	What should providers capture when using their delegated function for emergency representation?	Providers when using delegated functions should capture all the information they would normally when using CCMS, including undertaking the client's financial assessment and capturing any required evidence of the client financial circumstances.
25/06/25	What support is there for providers in civil cases when using delegated functions, to check if evidence of domestic abuse or child protection is acceptable to bring proceedings within scope for certain private law family matters?	There is a new a new service allowing providers to check evidence with the LAA before making an emergency grant under delegated functions. Queries should be sent to GatewayEvidenceCheck@justice.gov.uk The service is intended to be available where the provider is concerned the evidence may not be accepted by the LAA, most of the evidence attached to applications is straightforward and will not need to be checked. The LAA will consider the evidence and advise the provider if it is acceptable. Provider should attach our email to their application when you are able to submit it via CCMS. We will provide an explanation if the evidence is

Date added	Question	Answer
		not acceptable. We will aim to respond to these emails within 48 hours.
25/06/25	What support is there for providers to undertake the client's financial assessment in civil cases before using delegated functions?	There are some elements of the financial eligibility assessment are not straightforward. Providers who have queries in relation to financial eligibility assessments can seek assistance from a dedicated team of caseworkers before granting emergency representation under delegated functions. Queries should be sent to ContactMeansExpert@justice.gov.uk We will aim to respond to these emails within 48 hours.
25/06/25	What other support is there for providers?	There are recordings and documents available on Legal Aid Learning, specifically a Civil Contingency page https://legalaidlearning.justice.gov.uk/civil-contingency/ to assist when making applications
25/06/25	Can providers use delegated functions to amend a substantive amendment certificate?	Where the LAA has made an initial substantive determination, providers can now amend new and existing cases under delegated functions. This will include changing scope limitations, adding new proceedings and amending costs limitations to a maximum of £9,000 where a higher limit is not already in place (e.g Care proceedings are issued a £25,000). The determination will need to be in the same Category of Law as the original determination and will need to arise out of the same dispute, issue or incident as the original determination. For cases under the Family Category of Law this means the proceedings being covered are likely to be recorded on the same certificates by the LAA.

Date added	Question	Answer
		These changes will not apply in the following circumstances and will require determinations to be made by the LAA: • determinations in relation to judicial review • claims for damages • changing the level of service to full representation following an original determination that the client qualifies for investigative representation • applications to the Court of Appeal or any onward proceedings beyond this stage • civil legal services being provided by virtue of a relevant contract in the following areas • Claims Against Public Authorities • Immigration and Asylum • Clinical Negligence • Discrimination • Civil legal services described as Associated Civil Work provided under the Standard Crime Contract
25/06/25	What records do providers need to keep when making a decision to grant an amendment under delegated functions?	Providers will keep a file record of amendment under delegated functions. The amendment will need to be submitted to LAA via CCMS once system access has been restored. Providers will need to add relevant proceeding/scope/costs to CCMS when sending the amendment. In the statement of case section providers must confirm the date an amendment was made under delegated functions (suggested wording 'DELEGATED FUNCTIONS USED ON **/**/**** to add proceedings/limitations etc'). The LAA will approve amendments granted by providers, not applying a separate assessment to the merits. Providers will just need to demonstrate the work is within scope under Part 1, Schedule 1 of LASPO.

Date added	Question	Answer
25/06/25	What do providers do if they seek a costs limitation above £9,000 on a substantive certificate, (if there is not already a higher amount)?	If providers seek above £9,000 cost limit following use of delegated functions on a substantive certificate, they can continue work and keep a record of their monthly costs checks (subject to being satisfied the means and merits tests remain met) up to the limit of £25,000 and submit the cost limit increase request for a decision when CCMS access has been restored, the LAA will exercise the backdating provisions where required. If the provider wants the LAA to make the decision, if they are unsure if the merits criteria is being met, they should submit a substantive amendment request to the LAA on the CIV APP8 form with supporting documents to ContactCivil@justice.gov.uk.
25/06/25	What signed declarations are providers expected to obtain and to retain on file when using delegated functions while the portal is down?	The following applies in relation to grants of emergency representation via Delegated Functions made during the contingency process: • A client signature is not required for the provider to grant emergency representation, which can be in place for up to 32 weeks. • The LAA will not retrospectively challenge this grant for the lack of a signature if there is clear evidence (for example, email exchanges or telephone attendance notes etc) on the file that the grant was legitimately made in accordance with the client wishes. The evidence needs to demonstrate one of the following: • The client formed the appropriate intention to sign and submit the application form, or • You have been directly appointed by a court or tribunal to act for the client. • At the point that an application can, be submitted onto CCMS, you should seek a signature from you client at the earliest possible opportunity.

Date added	Question	Answer
		- You may still submit a claim if you are unable to secure a client signature, including a digital signature, where: - it is clear reasonable attempts have been made to secure the client's signature, and you have provided evidence of the client's intention to sign the form, or - you have been appointed to act for a client by a court or tribunal.
25/06/25	What happens to emergency certificates already granted when it was an 8-week limitation? Will these need to be amended or will they automatically be extended to 32 weeks? If amended, is that done by the provider or the LAA?	The new time and costs limitations will be applied by the LAA at the point emergency certificates are issued. This means the new limitations will apply to any cases granted under delegated functions that have yet to be assessed by the LAA. This applies to cases where delegated functions were granted before 27th June but remain undetermined at the point the changes come into effect.
25/06/25	What happens if a provider uses delegated functions then the LAA at the point of consideration deem the merits are not met?	The LAA will honour all uses of Delegated Functions which comply with the provisions of the relevant Contract and any applicable regulations. If it is determined that the merits criteria are not met at the point the LAA assesses the application, an embargo and/or discharge of the emergency certificate will take place from that date. Providers will be able to claim for work up to that date.
25/06/25	How do providers report they are undertaking work in Non-Means, Non-Merits Cases?	Providers are authorised to sign off on applications and carry on work in non-means and non-merits tested cases. These are Special Children Act matters and parental placement and adoption cases. When access is restored to the LAA systems, applications can be submitted, and certificates will be backdated to the initial date work began.

Date added	Question	Answer
25/06/25	Do providers still need to obtain a contingency reference number when delegated functions cannot be used?	Providers will not need to request a contingency reference number in advance. Providers will be able to submit the relevant civil application forms and civil means-testing forms with supporting documents which are relevant to the merits of the case and the client's financial means assessment direct to ContactCivil@justice.gov.uk
25/06/25	Is there a format on how emails to LAA should be sent?	To ensure the email is assigned to the correct team as quick as possible please ensure the subject line is titled 'LAA BC Plus – Type of Application form – Type of Means Form (if applicable) - client's name – firm name'
25/06/25	If a non-Delegated Functions application is submitted to the LAA, will it also need to be submitted on CCMS when systems are restored?	Any decisions made by the LAA on paper applications during contingency arrangements will be entered by the LAA onto CCMS once system access has been restored.
25/06/25	How do providers obtain emergency funding in areas they cannot use delegated functions?	CIV APP6 should be used when there is no time to make a full application, and delegated functions cannot be used. To support the assessment, include: • Statement of case • Pre action correspondence • Counsels' opinion if obtained/relevant • Any documents relevant to the application such as court orders, applications to court, opponents statement etc • The relevant means form and supporting documents (unless the client is a child)

Date added	Question	Answer
		Evidence of domestic abuse or child protection (private law family matters only)
25/06/25	What are timescales for LAA processing emergency apps where provider can't use delegated functions?	The LAA aims to process emergency applications for non-ECCT work within 48 hours.
25/06/25	How do providers obtain initial funding when not urgent in areas they cannot use delegated functions?	The provider should use a CIV APP1 for legal representation in non-family proceedings or a CIV APP3 for family help (higher) and legal representation in family proceedings. These forms need to be accompanied with the relevant civil Means assessment forms (please note no means form is required where the applicant is a child). To support the assessment, include: - Statement of case in support of application - Valid LASPO evidence to bring the new proceedings into scope (if applicable) - Pre action correspondence (if applicant/Claimant) - Counsels' opinion if obtained/relevant - Any other documents relevant to the application such as court orders, applications to court, opponents statement etc
25/06/25	How do providers amend a substantive certificate when delegated functions cannot be used?	Providers can submit the amendment for a decision at a later date, the LAA will exercise the backdating provisions where required. Where providers seek the LAA to make the determination of the amendment a CIV APP8

Date added	Question	Answer
		forms to amend a substantive certificate to change proceedings, change scope limitation, change cost limitation, change of solicitor should be submitted via email to Contactcivil@justice.gov.uk. All documents that would ordinarily be uploaded to CCMS are attached. To support the assessment, include: · Copy of the latest certificate, showing the scope of cover and proceedings (were possible) · Current cost limit · Statement of case in support of amendment · Supporting Court Orders and reports for any Final Hearing listing (if applicable) · Valid LASPO evidence to bring the new proceedings into scope (if applicable) · letter from the existing provider on record for the certificate advising they consent for the transfer to take place (for change of solicitor requests)
25/06/25	How are Appeals made under the contingency process?	For a review of a decision made by the LAA under this process, appeal via email to contactcivil@justice.gov.uk within 14 days of the decision being communicated. ‘APPEAL’ in the email subject line for identification. Submission should contain: • A full statement of appeal • Any supporting documentation • Relevant client details • The decision requesting to be reviewed If an appeal was submitted before the system went down and no determination was made, the same procedure here should be followed including the initial decision that was received from CCMS if available, alternatively provider could consider making a new application.

Date added	Question	Answer
25/06/25	Can providers withdraw a certificate?	Under the new arrangements until further notice providers will be able to withdraw funding in the following circumstances: • The services made available by the determination have been provided • The proceedings to which the determination relates have been concluded • The individual consents • The individual has died In the above circumstance providers will need to make a file note that funding has been withdrawn, and update CCMS when access is restored. For all other withdrawal reasons providers should submit the CIV APP11 form with all relevant information provided. These should be emailed to contactcivil@justice.gov.uk. Include the word 'Withdrawal' in the email subject line for identification. The LAA will be in contact with any discharge or show cause issued on the certificate. Outcomes will need to be submitted via CCMS once system access has been restored to enable the submission of your claim for costs.
25/06/25	How do providers apply for a Prior Authority?	Civil Prior Authority requests where the provider cannot justify the expense of expert assessment, testing, etc on assessment can be submitted to the LAA using the CIV APP8A and submitted directly to CivilPriorAuthorityRequests@Justice.gov.uk. Please ensure you detail that you have a current live certificate on CCMS, that you have delegated functions to grant emergency funding or been granted an application under LAA Contingency in this matter.
25/06/25	How should queries be made	For all queries that would previously have been submitted as a Case Enquiry, please email contactcivil@justice.gov.uk. Include the

Date added	Question	Answer
	during contingency?	word 'Query' in the email subject line for identification. For case-specific queries, include the following details to assist the caseworker: · Certificate reference number / Contingency number · Relevant case details and supporting evidence (if applicable) If there are any queries on the use of delegated functions due to complexity or the need for clarification on a point our customer service team can be contacted on 0300 200 2020.
25/06/25	How can providers obtain civil funding for Judicial Review cases?	The LAA understand that in Judicial Review cases it is not always clear to define the urgency test is met and that delegated functions cannot be used, as there will not be a hearing listed as the client will be the applicant. If the provider can demonstrate the need to get the cases into court, an application can be made to the LAA via the contingency email process on the relevant form (CIVAPP6). If the application is not urgent a CIV APP1, the relevant Means form and supporting evidence can be submitted to the LAA via the contingency email process.
25/06/25	What should providers do if a civil application, amendment or appeal was submitted via the portal previously, but no decision was made before the portal went down?	If the provider has delegated functions, there is no need to do anything as the emergency time limitation will be issued to 32 weeks. If delegated functions were not used the provider can consider exercising delegated functions (where available to them) to carry on work required or follow the contingency process (submitting the application, amendment etc on the relevant form by email).

Date added	Question	Answer
25/06/25	How do providers apply for a provider transfer?	To amend a substantive certificate, to change the provider firm on record a CIV APP8 form should be completed and sent via email to Contactcivil@justice.gov.uk. Please ensure all documents that would ordinarily be uploaded to CCMS are attached. To support the assessment, including the letter from the existing provider on record for the certificate, advising they consent for the transfer to take place. If a client wishes to transfer providers when the initial firm has delegated functions for an emergency certificate and have yet to receive a certificate from the LAA or there is a pending decision in CCMS before the system went down in Contingency: <u>New firm</u> - If you are instructed you should use delegated functions where available or submit a new application to LAA following contingency arrangements, advising the client was previously instructing another firm with all the details, including the letter from the existing provider on record for the certificate, advising they consent for the transfer to take place. The provider should also when submitting the application note in their statement of case/merits report that they 'provide undertaking that when they bill the case; the firm will answer the change of solicitor questions to generate the correct fee'. <u>Old firm</u> - If you are currently awaiting confirmation via CCMS, for an application which was submitted before the system went down, you should submit a case enquiry once access to the portal has been restored advising you are no longer being instructed and the date this was effective from. If you have yet to submit an application due to delegating functions under contingency protocols, you should advise that you are no longer instructed, which firm has taken over the certificate and the date this is effective from when you submit your application to us once access to the portal has been restored.

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		The provider should also when submitting the application note in their statement of case/merits report that they 'provide undertaking that when they bill the case; the firm will answer the change of solicitor questions to generate the correct fee'.
25/06/25	How was the max cost limit of £9,000 calculated when using delegated functions on a substantive amendment?	The £9,000 costs limit is based on the average final bill payment submitted by providers on final bills.
25/06/25	Is Universal Credit the only passported benefit?	In addition to Universal Credit (when in payment), passported benefit can also include payment of the following legacy benefits: • Income Support • Income-based Jobseekers Allowance • Income-related Employment and Support Allowance. • Guaranteed State Pension Credit
25/06/25	Do Children need to be means assessed?	If the client is a child (under the age of 18) there is no requirement to submit a Means form.
25/06/25	What do providers do if they believe the clients financial circumstances have changed?	Re-assessment requests will only be accepted where a provider believes that a client is now out of scope to receive legal aid or where there is evidence that the client has failed to make a material disclosure when applying for legal aid. When submitting the relevant civil means form with supporting evidence providers should Include the word ' Reassessment ' in the email subject line for identification.
25/06/25	Will contributions be backdated?	Contributions will not be payable during the period the Statutory Instrument (SI), coming into force 27 th June 2025, is in effect.

Date added	Question	Answer
		Contribution payments will become payable from the point the SI is reversed.
25/06/25	What about capital contributions when the system is restored? What will happen if the client has spent the capital?	Clients will be provided with a breakdown of assessment when the LAA calculates their financial eligibility. They will be informed of any monthly or capital contribution payments that may be required at a later date. For cases that conclude prior to the Statutory Instrument (SI) being reversed, no payment will be due. Payment(s) will need to be made for individuals to continue receiving funding once the SI is reversed for those cases that are ongoing. Individuals will have previously been made aware of the payable contribution and funding will be withdrawn if payment is not made regardless of whether it has since been spent.
25/06/25	Will the LAA be notifying the clients about contributions that were in payment before the 27 th June 2025?	The LAA will write to clients with existing contributions and advise them to stop making payments from 27 th June 2025 until further notice.
25/06/25	Where can providers obtain the Civil Application forms?	Contingency application forms are available on GOV.UK: Legal aid forms (includes Welsh forms/ffurflenni Cymraeg) - GOV.UK.
25/06/25	What should providers do if there is a show Cause embargo on their certificate and there is work to undertake?	When a certificate is subject to a Show Cause for client's financial circumstances, the provider can continue to work on the certificate but subject to risk. If the Show Cause is removed, then cover is continuous and there would be no issues with claiming costs etc. If not, they could only claim up to the point of the show cause. Providers have the option to, emailed to ContactCivil@Justice.gov.uk, Include the word 'Reply to Show Cause' in the email subject line for identification, providing details

Date added	Question	Answer
		and evidence why the show cause should be removed. Providers in these circumstances should try and provide a copy of their most recent certificate, the details of the show cause, any reports or evidence to support continuation of funding be that either on the merits of the case or the client's financial assessment.
25/06/25	How do providers submit bundles of documents if too large for an email?	For large bundles of documents that cannot be sent via email please contact SFESupport@justice.gov.uk to register for access to Secure File Exchange. If you already have access to the 'Civil Applications' workspace within Secure File Exchange, please upload your documents as usual. Further guidance on the use of Secure File Exchange can be found here; Guidance for external requests to use secure file exchange (SFE) – Legal Aid Learning
25/06/25	What do providers do if they believe the LAA have made a mistake on a Civil Contingency Application or Amendment?	Providers can use Civil Application Fixer (applicationfixer@justice.gov.uk) if they believe we have: incorrectly rejected or refused, not considered the information provided, asked for documents or information already provided or granted an incorrect cost limitation. We will only review the decision based on the information submitted originally. They must submit an appeal if they wish to provide new information. When emailing this service, they should provide the contingency reference number and also details of why you believe an error has been made with any supporting evidence. We aim to review submissions within 24 hours (Monday to Friday). We will then rectify any errors at the earliest opportunity. If we believe, based on the information provided, the decision was correct, we will ask you to follow the appeal and review route for challenging a decision.

Date added	Question	Answer
30/06/25	If a provider chooses not to use delegated functions, but instead apply to the LAA for a certificate, what will case management do? Will they reject the application in the absence of an explanation, or will they process it?	Providers are encouraged to use delegated functions for any civil work they need to undertake within a 32 -week period (which falls within the scope of Legal Aid regulations). The LAA will honour all uses of Delegated Functions which comply with the provisions of the relevant Contract and any applicable regulations. At present if the provider chooses not to use delegated functions the LAA will consider the application submitted by email and provide a decision by reply (decisions will not be made on an urgent basis). It would be useful for providers to provide an explanation why delegated functions were not used. Case Management will be recording where they believe providers should have used delegated functions and fed this back to Contract Management to have individual conversations with firms to encourage delegated function use.
02/07/25	Providers applying for substantive applications where emergency representation has expired	Emergency representation granted under delegated functions now include a 32-week time limit and £9,000 costs limitation. These limitations will apply to emergency representation granted under delegated functions where the LAA is yet to make a substantive determination. Limitations on substantive determinations are effective from the date of the emergency representation determination, meaning funding will be continuous from the date of delegated functions where the LAA issues a substantive certificate. Providers can amend limitations under emergency representation where the work is completed within the 32-week limitation.

Date added	Question	Answer
		Where emergency representation has been granted by the LAA and not under delegated functions, providers can use the CIVAPP8 form to apply for amendments where further urgent work is required. In cases where the 32-week limitation has expired providers can submit a substantive application. Please note, we will require a CIVAPP1 (non-family) or CIVAPP3 (family) and the relevant Financial Assessment form(s). Substantive applications cannot be made using the CIVAPP8 form.
02/07/25	What time limit is on an emergency certificate if providers used delegated functions before the changes on 27th June 2025?	New emergency time limits of 32 weeks apply to all cases where the provider has used delegated functions to grant funding (and emergency representation is still in place) regardless of when the determination was made, if this was initially 8 weeks providers now have the power to extend emergency time limit up to 32 weeks.
02/07/25	Court of Protection is non-means tested (s21A Mental Capacity Act cases). Is there a proposal to follow similar contingency arrangements detailed for non-mean, non-merits tested Special Children Act cases?	Court of Protection (s21A Mental Capacity Act cases) are merits tested, for this reason the current contingency arrangements will need to be followed. Providers can use delegated functions to grant themselves emergency funding if they have <u>any</u> work to undertake (which falls within the scope of Legal Aid regulations) and any subsequent work under the time limit of the emergency certificate. Emergency representation granted under Delegated Functions will contain 32 -week and £9,000 costs limitations (providers have the ability to use delegated functions for a higher cost limit under emergency representation where it can be justified). As these proceedings are non-means tested there will be no requirement to undertake a client means assessment.

Date added	Question	Answer
08/07/2025	In relation to contributions – when the LAA assesses the client at a later date for contributions, will the LAA assess the client on the basis of their circumstances when the initial certificate was granted, or at the date of the new assessment?	During the period from the 27 June 2025 until further notice the LAA will not be calling for contribution payments on Civil Means Assessments. The LAA will still be checking if the client financially qualifies or not. At the point the legislation is reversed, and contribution payments become payable again, the LAA intends to undertake a means re-assessment of the client's circumstances at that point, not at the point initial funding was granted. If capital has been disposed of in the previous months, the reasons should be explained. The LAA will not ask for any contribution payments to be backdated during the period contributions are being waived.
09/07/2025	In relation to Judicial Review work under Public Law, as providers approach settlement but cannot serve the N255 form on the paid party due to a lack of a certificate, will they be protected if they complete the form declaring that the certificate has been issued—even though it hasn't—until the system is operational and the certificate can be formally obtained?	Where matters are concluding and costs are being considered, we would consider that the email from the Legal Aid Agency (LAA) confirming the grant of funding is sufficient to constitute the certificate for the purposes of submitting an application to the court. Under Regulation 38 of the Civil Legal Aid (Procedure) Regulations 2012, the provider is required to notify the court and other parties of the determination. The details typically included in the LAA's confirmation email—such as the client's name, scope of funding, and date of determination—should satisfy the requirements of this regulation. We would not expect there to be any penalty or procedural issue if this email is provided to the court in place of the formal certificate, particularly where system issues are preventing its immediate issuance. However, we recommend including a brief covering note explaining the situation and confirming that the formal certificate will be provided once available.

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