

News story: Civil news: delegated functions for emergency homelessness JRs

We have made changes to clarify the scope of delegated functions to grant emergency representation for urgent homelessness judicial reviews.

These changes make it clear that these powers are available for any proceedings under:

- 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
- section 36 of the Social Services and Well-Being (Wales) Act 2014

This reverts back to the position that was in place before September 2018.

Why are you doing this now?

Since 2013, providers have not had the power to grant emergency representation using delegated functions for judicial reviews. However, cases concerning urgent homelessness matters have always been exempt from this rule.

In September 2018, a technical change was made to the terms of this 'homelessness exemption'. Following constructive discussions with stakeholders, we have now decided to revert back to the position for these cases that was in place before September.

How are you making this change?

We are making this update by amending the authorisations under section 5 of LASPO.

The updated authorisations also make it clear that providers are permitted to make determinations on financial eligibility for emergency representation

when using delegated functions.

There is no need to refer the case to the Legal Aid Agency to make this initial assessment of financial eligibility.

Further information

[Work out who qualifies for civil legal aid](#) – to download tables of delegated authorities