

[News story: Civil news: statutory charge, care costs and the Human Rights Act](#)

We have published a position statement explaining when the costs of care and 'other family law proceedings' apply as a statutory charge to HRA damages.

What does this mean?

The position statement provides guidance on the circumstances in which the LAA will and will not apply a statutory charge to HRA damages.

Judicial guidance set out in the statement explains the steps practitioners need to take if the statutory charge is not to be applied. This includes:

- seeking a separate legal certificate for HRA damages claims
- making any applications for substantive relief under the HRA as a Part 8 claim following Civil Procedure rules
- obtaining early confirmation from the LAA on whether the care proceedings statutory charge will apply to any HRA award

Where I can find out more?

The full text of the position statement is available for download on GOV.UK. The position statement was drafted within proceedings in February 2018 but published following the judgment in June 2018.

Further information

[Legal aid guidance](#) – to download LAA statutory charge position statement under 'other guidance'

[NCC & Anon v Lord Chancellor \(via LAA\) 2018 EWHC 1628](#) – case in which position statement published

[H v NCC and LAA \[2017\] EWHC 282](#) – case cited in position statement