

The Rt Hon The Lord Foster of Bath
Chair of the Justice and Home Affairs Committee
House of Lords
London
SW1A 0PW

MoJ ref: Sub 134640

3 June 2026

Dear Lord Foster,

**REVERSAL OF SOME OPERATIONAL CONTINGENCY MEASURES INTRODUCED
FOLLOWING A CYBER-ATTACK ON THE LEGAL AID AGENCY**

I am writing to inform you about the introduction of secondary legislation to reverse some of the operational contingency measures introduced last year following a cyber-attack on the Legal Aid Agency's (LAA) online digital services

In May 2025 the LAA was subject to a cyber-attack on its online digital services. In response we introduced the Criminal and Civil Legal Aid (Amendment) Regulations 2025 ("the 2025 Amendment Regulations") which came into force on 27 June 2025. This amended legal aid regulations to ensure the LAA could continue to deliver its services following the cyber-attack.

These amendments included measures waiving civil income and capital contributions, as well as changes to enable greater delegation of civil decision-making and amendments to certain criminal legal aid processes. The 2025 Amendment Regulations did not include an end date but made clear that these measures were temporary and were expected to be reversed once system recovery was sufficiently advanced.

Now that recovery is sufficiently advanced, the provisions in the Civil Legal Aid (Procedure) Regulations 2012 ("the Procedure Regulations") relating to civil emergency representation determinations and certificates are to be restored to their position prior to the changes introduced by the 2025 Amendment Regulations. Accordingly, yesterday, I laid "The Civil Legal Aid (Procedure) (Amendment) Regulations 2026", under the negative procedure; these regulations come into force on 23 June 2026 (the Statutory Instrument (SI) and accompanying Explanatory Memorandum are available at legislation.gov.uk).

Specifically, the effect of this SI is to:

- Require the Director of Legal Aid Casework (DLAC) to revoke¹ emergency representation determinations, when the individual is subsequently found not to be financially eligible for that form of legal aid on a full assessment of their resources, where currently they are only able to withdraw such determinations.
- Require DLAC to send copies of certificates to individuals when the Director makes a determination that an individual qualifies for Licensed Work.

This instrument does not reverse the changes made by the 2025 Amendment Regulations which enabled and supported DLAC to delegate some additional civil and criminal legal aid functions to legal aid providers. As part of recovery, the extended powers granted to providers were withdrawn on 1 October 2025 for criminal matters and on 1 December 2025 for civil matters, except for limited circumstances where providers can continue to withdraw certain determinations which were made through a separate operational process. These changes are being retained to preserve legislative flexibility, to allow DLAC to delegate civil and criminal functions to legal aid providers through operational arrangements where necessary in future, avoiding the need to lay further instruments.

This SI also does not reverse the changes relating to civil income and capital contributions. Further work is ongoing to determine the timing and approach to reinstating the requirement to pay civil income and capital contributions. The requirement to pay civil income and capital contributions will therefore not be reinstated through this instrument and will instead be addressed through a separate instrument in due course.

I will update you further in the event of further changes to the 2025 Amendment Regulations.

A handwritten signature in black ink, appearing to read 'Sarah Sackman', with a long horizontal flourish extending to the right.

SARAH SACKMAN KC MP
Minister Of State

¹ The distinction between revocation and withdrawal is broadly as follows: when the LAA revokes the funding certificate, any legal aid funds paid to the provider for work undertaken in the case would be reclaimed from the individual; in contrast, when the LAA withdraws the funding certificate, legal aid funding ceases from that point and the individual faces no liability to the LAA for the legal aid costs incurred in the case.