



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 1

LEGAL AID

Criminal legal aid

15 Advice and assistance for criminal proceedings

- (1) Regulations may provide that prescribed advice and assistance is to be available under this Part to an individual described in subsection (2) if—
 - (a) prescribed conditions are met, and
 - (b) the Director has determined that the individual qualifies for such advice and assistance in accordance with the regulations (and has not withdrawn the determination).
- (2) Those individuals are—
 - (a) individuals who are involved in investigations which may lead to criminal proceedings (other than individuals arrested and held in custody at a police station or other premises),
 - (b) individuals who are before a court, tribunal or other person in criminal proceedings, and
 - (c) individuals who have been the subject of criminal proceedings.
- (3) When making the regulations, the Lord Chancellor must have regard, in particular, to the interests of justice.
- (4) The regulations must require the Director to make determinations under the regulations having regard, in particular, to the interests of justice.
- (5) The regulations may require the Director to make such determinations in accordance with—

Status: This is the original version (as it was originally enacted).

- (a) section 21 (financial resources) and regulations under that section, and
 - (b) criteria set out in the regulations.
- (6) The regulations may make provision about the making and withdrawal of determinations under the regulations.
- (7) The regulations may, in particular, include—
 - (a) provision about the form and content of determinations and applications for determinations,
 - (b) provision permitting or requiring applications and determinations to be made and withdrawn in writing, by telephone or by other prescribed means,
 - (c) provision setting time limits for applications and determinations,
 - (d) provision for a determination to be disregarded for the purposes of this Part if made in response to an application that is made otherwise than in accordance with the regulations,
 - (e) provision about conditions which must be satisfied by an applicant before a determination is made,
 - (f) provision about the circumstances in which a determination may or must be withdrawn,
 - (g) provision requiring information and documents to be provided, and
 - (h) provision requiring individuals who are the subject of a determination to be informed of the reasons for making or withdrawing the determination.
- (8) The circumstances prescribed under subsection (7)(f) may, in particular, relate to whether the individual who is the subject of the determination has complied with requirements imposed by or under this Part.
- (9) The regulations may provide for the review of, or appeals to a court, tribunal or other person against, a decision by the Director—
 - (a) that the interests of justice do not require advice or assistance to be made available to an individual under the regulations, or
 - (b) that criteria prescribed under subsection (5)(b) are not met.
- (10) In this section “assistance” includes, in particular, assistance in the form of advocacy.