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STATUTORY INSTRUMENTS

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**2004 No. 1195**

**LEGAL SERVICE COMMISSION,  
ENGLAND AND WALES**

**The Criminal Defence Service (Recovery of Defence  
Costs Orders) (Amendment) Regulations 2004**

<i>Made</i>	- - - -	<i>23rd April 2004</i>
<i>Laid before Parliament</i>		<i>26th April 2004</i>
<i>Coming into force</i>	- -	<i>17th May 2004</i>

The Secretary of State, in exercise of the powers conferred upon the Lord Chancellor by section 17 of the Access to Justice Act 1999<sup>(1)</sup> and now vested in him<sup>(2)</sup>, makes the following Regulations:

**1.**—(1) These Regulations may be cited as the Criminal Defence Service (Recovery of Defence Costs Orders) (Amendment) Regulations 2004 and shall come into force on 17th May 2004.

(2) In these Regulations reference to a regulation by number alone means a regulation so numbered in the Criminal Defence Service (Recovery of Defence Costs Orders) Regulations 2001<sup>(3)</sup>.

**2.** In regulations 3 and 4, for “may” substitute “shall”, wherever that word occurs.

**3.** In regulation 11, for the words from “consider” to the end substitute—

“:

(a) subject to regulation 4(2), make an RDCO;

(b) where an RDCO may be made under regulation 4(2)(d), consider whether it is reasonable in all the circumstances of the case to make such an order.”.

**4.** In regulation 13, omit “, other than in exceptional circumstances.”.

**5.** In regulation 17, after “parties” insert “, and may add any costs incurred in connection with the enforcement to the amount to be paid under the RDCO”.

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<sup>(1)</sup> 1999 c. 22.

<sup>(2)</sup> by virtue of the Secretary of State for Constitutional Affairs Order 2003 (S.I.2003/1887), article 4(1) and Schedule 1.

<sup>(3)</sup> S.I. 2001/856.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by authority of the Secretary of State

Dated 23rd April 2004

*David Lammy*  
Parliamentary Under Secretary of State  
Department for Constitutional Affairs

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These regulations amend the Criminal Defence Service (Recovery of Defence Costs Orders) Regulations 2001 to provide that the court must make a Recovery of Defence Costs Order in cases where the defendant is convicted and must make an order for the full cost of representation where the defendant fails to provide information about his means.