
STATUTORY INSTRUMENTS

2022 No. 1376

**LEGAL AID AND ADVICE,
ENGLAND AND WALES**

**The Legal Aid (Financial Resources and Contribution
Orders) (Amendment) Regulations 2022**

Made - - - - *19th December 2022*
Laid before Parliament *20th December 2022*
Coming into force - - *10th January 2023*

The Lord Chancellor makes these Regulations in exercise of the powers conferred by sections 21(2), 23(1) and 41(1)(a) and (b) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012⁽¹⁾.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Legal Aid (Financial Resources and Contribution Orders) (Amendment) Regulations 2022 and come into force on 10th January 2023.

(2) These Regulations extend to England and Wales.

Amendments to the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013

2.—(1) The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013⁽²⁾ are amended as follows.

(2) In regulation 24 (payments to be disregarded from calculation of disposable income or gross income)—

(a) at the end of paragraph (1)(u) omit “and”, and

(b) at the end of paragraph (1)(v) insert—

“;

(w) a payment made under the Social Security (Additional Payments) Act 2022⁽³⁾;

(1) 2012 c. 10.

(2) S.I. 2013/480; relevant amending instruments are S.I. 2013/591, S.I. 2015/643, S.I. 2015/838, S.I. 2016/211, S.I. 2016/708, S.I. 2017/745, S.I. 2019/505, S.I. 2019/894 and S.I. 2020/1584.

(3) 2022 c. 38.

- (x) a payment made to an individual under section 13 or 15 of the Energy Prices Act 2022⁽⁴⁾
- (3) In regulation 40 (certain payments to be disregarded)—
 - (a) at end of paragraph (1)(g) omit “and”, and
 - (b) at the end of paragraph (1)(h) insert—
 - “;
 - (i) a payment made under the Social Security (Additional Payments) Act 2022;
 - (j) a payment made to an individual under section 13 or 15 of the Energy Prices Act 2022”.

Amendments to the Criminal Legal Aid (Financial Resources) Regulations 2013

3.—(1) The Criminal Legal Aid (Financial Resources) Regulations 2013⁽⁵⁾ are amended as follows.

- (2) In regulation 11 (disposable income: deductions)—
 - (a) at the end of paragraph (3)(l) omit “and”, and
 - (b) at the end of paragraph (3)(m) insert—
 - “;
 - (n) a payment made under the Social Security (Additional Payments) Act 2022;
 - (o) a payment made to an individual under section 13 or 15 of the Energy Prices Act 2022”.
- (3) In regulation 13 (disposable capital: deductions)—
 - (a) at the end of paragraph (1)(c) omit “and”, and
 - (b) at the end of paragraph (1)(d) insert—
 - “;
 - (e) a payment made under the Social Security (Additional Payments) Act 2022;
 - (f) a payment made to an individual under section 13 or 15 of the Energy Prices Act 2022”.
- (4) In regulation 20 (assessment of resources: gross annual income)—
 - (a) at the end of paragraph (2)(j) omit “and”, and
 - (b) at the end of paragraph (2)(k) insert—
 - “;
 - (l) a payment made under the Social Security (Additional Payments) Act 2022;
 - (m) a payment made to an individual under section 13 or 15 of the Energy Prices Act 2022”.
- (5) In regulation 33 (assessment of resources: gross annual income)—
 - (a) at the end of paragraph (2)(j) omit “and”, and
 - (b) at the end of paragraph (2)(k) insert—
 - “;
 - (l) a payment made under the Social Security (Additional Payments) Act 2022;

⁽⁴⁾ 2022 c. 44.

⁽⁵⁾ S.I. 2013/471; relevant amending instruments are S.I. 2013/591, 2013/2791, 2015/643, 2015/838, 2016/211, 2016/708, and 2019/894.

- (m) a payment made to an individual under section 13 or 15 of the Energy Prices Act 2022”.

Amendments to the Criminal Legal Aid (Contribution Orders) Regulations 2013

4.—(1) The Criminal Legal Aid (Contribution Orders) Regulations 2013⁽⁶⁾ are amended as follows.

(2) In regulation 10 (calculation of gross annual income)—

(a) at the end of paragraph (2)(j) omit “and”, and

(b) at the end of paragraph (2)(k) insert—

“;

(l) a payment made under the Social Security (Additional Payments) Act 2022;

(m) a payment made to an individual under section 13 or 15 of the Energy Prices Act 2022”.

(3) In regulation 28 (calculation of disposable specified capital)—

(a) at the end of paragraph (3B)(a) omit “and”, and

(b) at the end of paragraph (3B)(b) insert—

“;

(c) a payment made under the Social Security (Additional Payments) Act 2022;

(d) a payment made to an individual under section 13 or 15 of the Energy Prices Act 2022”.

19th December 2022

Bellamy
Parliamentary Under Secretary of State
Ministry of Justice

⁽⁶⁾ S.I. 2013/483; relevant amending instruments are S.I. 2015/643, 2015/710, 2015/838, 2016/211, 2016/708 and 2019/894.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument amends regulations made under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) which deal with an individual's financial eligibility for criminal and civil legal aid and the liability of an individual to pay a contribution towards the cost of criminal legal services received.

Regulation 2 amends the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 (S.I. 2013/480), regulation 3 amends the Criminal Legal Aid (Financial Resources) Regulations 2013 (S.I. 2013/471) and regulation 4 amends the Criminal Legal Aid (Contribution Orders) Regulations 2013 (S.I. 2013/483).

The amendments provide that in the assessment of an individual's income and capital resources, certain payments made under the Social Security (Additional Payments) Act 2022 (c. 38) and the Energy Prices Act 2022 (c. 44) must be disregarded. The effect of the amendments is that the receipt of the aforementioned payments will not impact on an individual's financial eligibility for legal aid, or liability to pay a contribution towards the cost of criminal legal services.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.