



# Coroners and Justice Act 2009

## 2009 CHAPTER 25

### PART 6

#### LEGAL AID AND OTHER PAYMENTS FOR LEGAL SERVICES

##### *Criminal Defence Service*

#### **151 Criminal Defence Service: information requests**

- (1) In section 17A of the Access to Justice Act 1999 (c. 22) (contribution orders) before subsection (6) insert—

“(5A) In paragraphs 6(1) and 7(1) of Schedule 3 (information requests) the reference to regulations under paragraph 3B(3) is to be read as including a reference to regulations under this section.”

- (2) Schedule 3 to that Act (criminal defence service: right to representation) is amended in accordance with subsections (3) to (8).

- (3) In sub-paragraph (1) of paragraph 6—

- (a) for “the application of” substitute “ how ”, and  
(b) after “paragraph 3B(3),” insert “ apply (or at any time applied) ”.

- (4) In sub-paragraph (2) of that paragraph—

- (a) in paragraph (a) after “name” insert “ (and any previous names) ”,  
(b) in paragraph (b) after “address” insert “ (and any previous addresses) ”, and  
(c) in paragraph (e) after “status” insert “ at any time specified in the request ”.

- (5) In sub-paragraph (3) of that paragraph—

- (a) in paragraph (a) after “is” insert “ , or at any time specified in the request was, ”,  
(b) in paragraph (b) after “is” insert “ , or at that time was, ”,  
(c) after that paragraph insert—

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- “(ba) whether or not the individual is, or at any time specified in the request was, carrying on any business, trade or profession (and, if so, any name under which it is or was carried on and the address of any premises used for the purpose of carrying it on);”, and”
- (d) after paragraph (c) insert—
  - “(ca) the individual's benefit status at any time specified in the request;”.
- (6) In sub-paragraph (4) of that paragraph—
  - (a) for “subsection” substitute “ sub-paragraph (2)(f) and ”,
  - (b) after “relating to” insert “ (a) ”, and
  - (c) at the end add—
    - “(b) the individual's assets (as defined in the regulations).”
- (7) In sub-paragraph (1) of paragraph 7—
  - (a) for “the application of” substitute “ how ”, and
  - (b) after “paragraph 3B(3),” insert “ apply (or at any time applied) ”.
- (8) In paragraph 8—
  - (a) after sub-paragraph (4) insert—
    - “(4A) An office-holder is to be treated as employed by the person under whom the office is held.”, and
  - (b) omit sub-paragraph (5).

## **152 Criminal Defence Service: enforcement of order to pay cost of representation**

- (1) The Access to Justice Act 1999 (c. 22) is amended as follows.
  - (2) In section 17 (terms of provision of funded services)—
    - (a) in subsection (3)(g) omit the words from “(including” to the end, and
    - (b) at the end add—
      - “(4) Regulations under subsection (3)(g) may in particular—
        - (a) make provision for costs incurred in connection with the enforcement of an order under subsection (2) to be recovered from the individual against whom the order is made;
        - (b) provide that any overdue sums are—
          - (i) recoverable summarily as a civil debt;
          - (ii) recoverable, if the High Court or a county court so orders on the application of the person or body to which the sums are due, as if they were payable under an order of the court in question.
  - (5) In this section “overdue sum” means—
    - (a) a sum which is unpaid after the time when it is required by an order under subsection (2) to be paid;
    - (b) a sum which is required to be paid under regulations made by virtue of subsection (4)(a).”
- (3) In section 17A (contribution orders)—

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- (a) in subsection (2)—
  - (i) in paragraph (d)(ii), after “order” insert “, or regulations made by virtue of subsection (2A)(a),”, and
  - (ii) in paragraph (e) omit “, including” to the end,
- (b) after that subsection insert—
  - “(2A) Enforcement regulations may in particular—
    - (a) make provision for costs incurred in connection with the enforcement of a contribution order to be recovered from the individual against whom the order is made;
    - (b) provide for the withdrawal of an individual's right to representation in certain circumstances;
    - (c) provide that any overdue sums are—
      - (i) recoverable summarily as a civil debt;
      - (ii) recoverable, if the High Court or a county court so orders on the application of the person or body to which the sums are due, as if they were payable under an order of the court in question;
    - (d) authorise a court to make motor vehicle orders in respect of an individual for the purpose of enabling any overdue sum required to be paid by that individual to be recovered by the person or body to which the sum is due.
  - (2B) In subsection (2A)(d)—
    - “court” means the High Court, a county court or a magistrates' court;
    - “motor vehicle order” means—
      - (a) a clamping order;
      - (b) a vehicle sale order.
  - (2C) A clamping order is an order—
    - (a) that a motor vehicle be fitted with an immobilisation device (“clamped”), and
    - (b) which complies with any requirements that are imposed by enforcement regulations with respect to the making of clamping orders.
  - (2D) A vehicle sale order is an order that—
    - (a) a motor vehicle which is the subject of a clamping order is to be sold or otherwise disposed of in accordance with any provision made by enforcement regulations, and
    - (b) any proceeds are to be applied, in accordance with enforcement regulations, in discharging the individual's liability in respect of the overdue sum.
  - (2E) Schedule 3A makes provision about the content of enforcement regulations if provision of the kind mentioned in subsection (2A)(d) is made.”, and
- (c) for subsection (6) of that section substitute—
  - “(6) In this section—

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“contribution order” means an order made under regulations under subsection (1);

“enforcement regulations” means regulations made by virtue of subsection (2)(e);

“immobilisation device” has the meaning given by paragraph 8 of Schedule 3A;

“motor vehicle” has the meaning given by that paragraph;

“overdue sum” means—

- (a) a sum which is unpaid after the time when it is required by a contribution order to be paid;
- (b) any interest which is required to be paid by regulations made by virtue of subsection (2)(d);
- (c) a sum which is required to be paid under regulations made by virtue of subsection (2A)(a).”

(4) After Schedule 3 insert the Schedule 3A set out in Schedule 18 to this Act.

**Status:**

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