



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 1

LEGAL AID

Providers of services etc

27 Choice of provider of services etc

- (1) The Lord Chancellor's duty under section 1(1) does not include a duty to secure that, where services are made available to an individual under this Part, they are made available by the means selected by the individual.
- (2) The Lord Chancellor may discharge that duty, in particular, by arranging for the services to be provided by telephone or by other electronic means.
- (3) The Lord Chancellor's duty under section 1(1) does not include a duty to secure that, where services are made available to an individual under this Part, they are made available by a person selected by the individual, subject to subsections (4) to (10).
- (4) An individual who qualifies under this Part for representation for the purposes of criminal proceedings by virtue of a determination under section 16 may select any representative or representatives willing to act for the individual, subject to regulations under subsection (6).
- (5) Where an individual exercises that right, representation by the selected representative or representatives is to be available under this Part for the purposes of the proceedings.
- (6) Regulations may provide that in prescribed circumstances—
 - (a) the right conferred by subsection (4) is not to apply in cases of prescribed descriptions,

Status: Point in time view as at 01/04/2013.

Changes to legislation: *Legal Aid, Sentencing and Punishment of Offenders Act 2012, Section 27 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) an individual who has been provided with advice or assistance in accordance with section 13 or regulations under section 15 by a person selected by the individual is to be taken to have selected that person under subsection (4),
 - (c) the right conferred by subsection (4) is not to include a right to select a representative of a prescribed description,
 - (d) that right is to select only a representative located in a prescribed area or of a prescribed description,
 - (e) that right is to select not more than a prescribed number of representatives to act at any one time, and
 - (f) that right is not to include a right to select a representative in place of a representative previously selected.
- (7) Regulations under subsection (6)(b) may prescribe circumstances in which an individual is to be taken to have selected a person to provide advice or assistance.
- (8) Regulations may provide that in prescribed circumstances the Lord Chancellor is not required to make available representation for an individual by a prescribed representative.
- (9) Provision made under subsection (8) does not prejudice any right of the individual to select another representative.
- (10) The circumstances which may be prescribed under this section include that a determination has been made by a prescribed person.

Status:

Point in time view as at 01/04/2013.

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