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## EXPLANATORY NOTE

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

These Regulations replace, with amendments, the Legal Aid in Criminal Proceedings (General) Regulations 1968 (as subsequently amended). These Regulations govern the provision of representation under Part V and Sections 27 and 28 of the Legal Aid Act 1988 (legal aid in criminal and care proceedings).

These Regulations make provision for the assessment of the financial resources of the applicant or the appropriate contributor in order to determine eligibility to receive legal aid and to determine the contribution payable towards the cost of providing representation in the proceedings in respect of which the application for a legal aid order is made.

The main changes made are as follows:

- (a) a single form of application for a legal aid order is prescribed, the use of which is mandatory (regulation 4 and Schedule 2 Part I);
- (b) court clerks are given power to refuse an application for a legal aid order subject to a right to renew the application (regulations 11, 14, 18, and 21);
- (c) the resources of persons living together as husband and wife are to be treated as if those persons were married (regulations 26, 37 and Schedule 3, paragraph 2);
- (d) a solicitor assigned under a legal aid order who instructs counsel is to provide counsel with a copy of the legal aid order (regulation 40);
- (e) Parts I to VI of the Regulations are applied, subject to a number of modifications, to the grant of representation in care proceedings and, in exercise of the power conferred by section 27(2), section 27(1)(f) of the Act is varied to exclude from the categories of care proceedings for the purposes of which representation is available under sections 27 and 28 of the Act appeals from decisions of juvenile courts to the High Court (regulations 56 and 57).