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STATUTORY INSTRUMENTS

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**2001 No. 856**

**The Criminal Defence Service (Recovery  
of Defence Costs Orders) Regulations 2001**

**Interpretation**

9.—(1) Except as provided in paragraph (2), for the purpose of calculating the financial resources of the funded defendant:

- (a) the amount or value of every source of income and every resource of a capital nature available to him may be taken into account; and
- (b) the financial resources of the funded defendant's partner shall be treated as the financial resources of the funded defendant.

(2) Other than in exceptional circumstances, the following assets of the funded defendant shall not be taken into account:

- (a) the first £3,000 of capital available to him;
- (b) the first £100,000 of equity in his principal residence; and
- (c) his income, where the court or the Commission are satisfied that his gross annual income does not exceed £24,000.

(3) In this regulation, "funded defendant's partner" means a person with whom the funded defendant lives as a couple, and includes a person with whom the funded defendant is not currently living but from whom he is not living separate and apart.