

2008 No. 723

**LEGAL SERVICES COMMISSION, ENGLAND AND
WALES**

**The Criminal Defence Service (Financial Eligibility)
(Amendment) Regulations 2008**

<i>Made</i> - - - -	<i>12th March 2008</i>
<i>Laid before Parliament</i>	<i>13th March 2008</i>
<i>Coming into force</i> - -	<i>7th April 2008</i>

The Lord Chancellor makes these Regulations in exercise of the powers conferred by paragraph 3B(1) of Schedule 3 to the Access to Justice Act 1999(a).

Citation, commencement, transitional provisions and interpretation

1.—(1) These Regulations may be cited as the Criminal Defence Service (Financial Eligibility) (Amendment) Regulations 2008 and come into force on 7th April 2008.

(2) An application for a representation order which is made before 7th April 2008 is to be dealt with as if these Regulations had not been made.

(3) In these Regulations—

- (a) a reference to a regulation by number is a reference to the regulation so numbered in the Criminal Defence Service (Financial Eligibility) Regulations 2006(b);
- (b) a reference to the Schedule is a reference to the Schedule to those Regulations.

Amendments to the Criminal Defence Service (Financial Eligibility) Regulations 2006

2. In regulation 9—

- (a) in paragraph (2), for “£12,007” substitute “£12,475”;
- (b) in paragraph (3), for “£21,487” substitute “£22,325”.

3. In regulation 10—

- (a) in paragraph (1), for “more than £12,007 and less than £21,487” substitute “more than £12,475 and less than £22,325”;
- (b) in paragraph (2)(g)(i), for “£5,463” substitute “£5,676”;

(a) 1999 c.22. “Regulations” is defined in section 26. The reference to the Lord Chancellor in that section was changed to the Secretary of State by the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887) and was changed back to the Lord Chancellor by the Transfer of Functions (Lord Chancellor and Secretary of State) Order 2005 (S.I. 2005/3429). Paragraph 3B of Schedule 3 was inserted by section 2(2) of the Criminal Defence Service Act 2006 (c.9).

(b) S.I. 2006/2492, amended by S.I. 2007/777.

(c) in paragraph (3), for “£3,270” substitute “£3,398”.

4. In the Schedule, for “£5,463” substitute “£5,676”.

Signed by authority of the Lord Chancellor

12th March 2008

Hunt
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Defence Service (Financial Eligibility) Regulations 2006 (S.I. 2006/2492), which set out the criteria relating to financial eligibility which must be satisfied before individuals involved in criminal proceedings in a magistrates’ court may receive publicly funded representation. The Regulations increase the financial eligibility limits and cost of living allowance for applications for representation orders made on or after 7th April 2008.

An impact assessment has not been prepared for this instrument as it has no impact on businesses, charities or voluntary bodies.

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