

2009 No. 3352

**LEGAL SERVICES COMMISSION, ENGLAND AND
WALES**

**The Criminal Defence Service (Recovery of Defence Costs
Orders) (Amendment) Regulations 2009**

<i>Made</i>	- - - -	<i>15th December 2009</i>
<i>Laid before Parliament</i>		<i>21st December 2009</i>
<i>Coming into force</i>	- -	<i>11th January 2010</i>

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by sections 17(3) and 26 of the Access to Justice Act 1999(a).

Citation and commencement

1. These Regulations may be cited as the Criminal Defence Service (Recovery of Defence Costs Orders) (Amendment) Regulations 2009 and come into force on 11th January 2010.

Amendment to the Criminal Defence Service (Recovery of Defence Costs Orders) Regulations 2001

2. In regulation 4 of the Criminal Defence Service (Recovery of Defence Costs Orders) Regulations 2001(b)—

- (a) in paragraph (1), for “or (4)” substitute “(4) or (5)”;
(b) after paragraph (4) insert—

“(5) An RDCO shall not be made where an assessment has been made under regulation 6(1) of the Criminal Defence Service (Contribution Orders) Regulations 2009(c).”.

Signed by authority of the Lord Chancellor

15th December 2009

Bach
Parliamentary Under Secretary of State
Ministry of Justice

(a) 1999 c.22. “Regulations” is defined in section 26 of the Act. The reference to the Lord Chancellor in that section was changed to the Secretary of State by S.I. 2003/1887 and changed back to the Lord Chancellor by S.I. 2005/3429.
(b) S.I. 2001/856, amended by S.I. 2008/2430. There are other amending instruments which are not relevant.
(c) S.I. 2009/3328.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Defence Service (Recovery of Defence Costs Orders) Regulations 2001 to provide that the court may not make a recovery of defence costs order against an individual who has publicly funded legal representation where the individual has already been assessed for liability to make payments towards the costs of that representation.

An impact assessment relating to the introduction of means testing in the Crown Court is available from Criminal Legal Aid Strategy Division, Ministry of Justice, 102 Petty France, London SW1H 9AJ or at www.justice.gov.uk.

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