

2010 No. 1184

**LEGAL SERVICES COMMISSION, ENGLAND AND
WALES**

**The Criminal Defence Service (Information Requests)
(Amendment) Regulations 2010**

Made - - - -

5th April 2010

Coming into force in accordance with regulation 1

The Lord Chancellor makes these Regulations in exercise of the powers conferred by section 26 of, and paragraph 6(2)(f), (3)(d) and (4) of Schedule 3 to, the Access to Justice Act 1999(a).

The Commissioners for Her Majesty's Revenue and Customs have agreed to the making of these Regulations in accordance with paragraph 6(3)(d) of Schedule 3 to that Act.

A draft of this instrument has been laid before and approved by a resolution of each House of Parliament in accordance with section 25(9) of that Act.

Citation and commencement

1. These Regulations may be cited as the Criminal Defence Service (Information Requests) (Amendment) Regulations 2010 and come into force on the day after the day on which they are made.

Amendments to the Criminal Defence Service (Information Requests) Regulations 2009

2. The Criminal Defence Service (Information Requests) Regulations 2009(b) are amended as follows.

3. In regulation 1(3) for "paragraph 2A of Schedule 3 to" substitute "section 17A(c) of, or, as the case may be, paragraph 2A of Schedule 3 to,".

4. In regulation 2—

- (a) omit paragraph (a);
- (b) in paragraph (b) after "name" insert "(and any previous names)".

(a) 1999 c. 22. Section 26, which was amended by section 2(6) of the Criminal Defence Service Act 2006 (c. 9), contains definitions of "regulations", "relevant authority" and "prescribed". The reference to the Lord Chancellor in the definition of "regulations" was changed to the Secretary of State by S.I. 2003/1887 and changed back to the Lord Chancellor by S.I. 2005/3429. Paragraph 6 in Schedule 3 was inserted by section 57 of the Criminal Justice and Immigration Act 2008 (c. 4) and amended by section 151 of the Coroners and Justice Act 2009 (c. 25).

(b) S.I. 2009/391.

(c) Section 17A was inserted by section 3(3) the Criminal Defence Service Act 2006 and amended by section 151 of the Coroners and Justice Act 2009.

5. In regulation 3—

- (a) omit paragraph (e);
- (b) in paragraph (f) after “name” insert “(and any previous names)”.

Signed by authority of the Lord Chancellor

5th April 2010

Bach
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 (Information Requests) Regulations 2009, which set out information which may be sought in a request to the Commissioners for Her Majesty’s Revenue and Customs and the Secretary of State relating to financial eligibility for criminal legal aid. These Regulations provide that that information may also be sought in a request relating to liability to an order for a contribution towards the payment of criminal legal aid (regulation 3). This provision is consequential on an amendment to the provisions on contribution orders in the Access to Justice Act 1999 made by section 151 of the Coroners and Justice Act 2009. The Regulations also make minor amendments consequential on the amendments in section 151 (regulations 4 and 5).

An impact assessment relating to the introduction of contribution orders 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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