

**2010 No. 142**

**LEGAL SERVICES COMMISSION, ENGLAND AND  
WALES**

**The Criminal Defence Service (Contribution Orders)  
(Amendment) Regulations 2010**

*Made* - - - - *26th January 2010*

*Laid before Parliament* *28th January 2010*

*Coming into force in accordance with regulation 1*

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by sections 17A(1), (2)(e) and (2A)(a) and (c), 25(8) and 26 of the Access to Justice Act 1999(a):

**Citation, commencement and application**

**1.**—(1) These Regulations may be cited as the Criminal Defence Service (Contribution Orders) (Amendment) Regulations 2010 and come into force—

- (a) in relation to any magistrates' court in any of the local justice areas listed in the first part of the table in the Schedule to these Regulations, on 1st March 2010; and
- (b) in relation to any other magistrates' court in any of the courts board areas listed—
  - (i) in the second part of that table, on 12th April 2010;
  - (ii) in the third part of that table, on 26th April 2010;
  - (iii) in the fourth part of that table, on 10th May 2010;
  - (iv) in the fifth part of that table, on 17th May 2010;
  - (v) in the sixth part of that table, on 24th May 2010;
  - (vi) in the seventh part of that table, on 14th June 2010;
  - (vii) in the eighth part of that table, on 28th June 2010.

(2) These Regulations apply in relation to contribution orders made on or after the date on which the Regulations come into force in accordance with paragraph (1).

**Amendments to the Criminal Defence Service (Contribution Orders) Regulations 2009**

**2.** The Criminal Defence Service (Contribution Orders) Regulations 2009(b) are amended as follows.

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(a) 1999 c.22. Section 17A was inserted by section 3(3) of the Criminal Defence Service Act 2006 (c. 9) and amended by section 152 of the Coroners and Justice Act 2009 (c. 25). Section 26 defines "regulations" as regulations made by the Lord Chancellor. The reference to the Lord Chancellor in section 26 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. 2009/3328.

3. In regulation 10(1) after sub-paragraph (e) insert—  
“(f) that the costs incurred in connection with the enforcement of the order may be added to the amount payable under the order.”.
4. In regulation 22(1) after sub-paragraph (e) insert—  
“(f) that the costs incurred in connection with the enforcement of the order may be added to the amount payable under the order.”.
5. In regulation 35(1) after sub-paragraph (d) insert—  
“(e) that the costs incurred in connection with the enforcement of the order may be added to the amount payable under the order.”.
6. After regulation 35 insert—

## “PART 4 ENFORCEMENT

### **Costs of enforcement**

36. Where the Commission incurs costs in connection with the enforcement of a contribution order it may add those costs to the amount due under the order.

### **Recovery of overdue sums**

37.—(1) Any overdue sums are—

- (a) recoverable summarily as a civil debt;
- (b) recoverable, if the High Court or a county court so orders on the application of the Commission, as if they were payable under an order of the court in question.

(2) Where a complaint is made for the recovery of an overdue sum as a civil debt, the powers conferred on a magistrates’ court by section 58 of the Magistrates’ Courts Act 1980(a) may be exercised by a single justice.”.

Signed by authority of the Lord Chancellor

*Bach*  
Parliamentary Under Secretary of State  
Ministry of Justice

26th January 2010

## SCHEDULE

Regulation 1

### Commencement of Regulations

#### **Part 1 – Commencement on 1st March 2010**

##### **Local Justice Areas**

Camden and Islington; Bradford; Calderdale; Huddersfield; Keighley; Skipton; Blackburn, Darwen and Ribble Valley; Furness and District; Fylde Coast; Lancaster; Preston; Great Yarmouth; Norwich; West Norfolk; Ceredigion; Llanelli; Neath Port Talbot; Pembrokeshire; Swansea County

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(a) 1980 c. 43.

**Part 2 – Commencement on 12th April 2010**

**Courts Board Areas**

Avon and Somerset; Devon and Cornwall; Dorset, Gloucestershire and Wiltshire; Hampshire and Isle of Wight

**Part 3 – Commencement on 26th April 2010**

**Courts Board Areas**

Birmingham, Coventry, Solihull and Warwickshire; Black Country, Staffordshire and West Mercia; Derbyshire and Nottingham; Lincolnshire, Leicestershire, and Rutland and Northamptonshire

**Part 4 – Commencement on 10th May 2010**

**Courts Board Areas**

Cheshire and Merseyside, Cumbria and Lancashire; Greater Manchester

**Part 5 – Commencement on 17th May 2010**

**Courts Board Areas**

Cleveland, Durham and Northumbria; Humber and South Yorkshire; North and West Yorkshire

**Part 6 – Commencement on 24th May 2010**

**Courts Board Areas**

Mid and West Wales; North Wales; South East Wales

**Part 7 – Commencement on 14th June 2010**

**Courts Board Areas**

Bedfordshire, Essex and Hertfordshire; Cambridgeshire, Norfolk and Suffolk; Kent; Surrey and Sussex; Thames Valley

**Part 8 – Commencement on 28th June 2010**

**Courts Board Area**

London

## EXPLANATORY NOTE

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

These Regulations amend the Criminal Defence Service (Contribution Orders) Regulations 2009 (S.I. 2009/3328), which make provision for contribution orders for the cost of publicly funded representation in criminal trials in and appeals to the Crown Court. Following amendments to the Access to Justice Act 1999 made by the Coroners and Justice Act 2009 (c. 25), the amending Regulations provide that the costs of enforcing a contribution order may be added to the amount due under the order (regulations 3 to 6) and that overdue sums may be recovered through magistrates' courts, county courts and the High Court (regulation 6).

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](http://www.justice.gov.uk).

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