

2013 No. 2792

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Criminal Legal Aid (Contribution Orders) (Amendment)
Regulations 2013**

<i>Made</i> - - - -	<i>1st November 2013</i>
<i>Laid before Parliament</i>	<i>4th November 2013</i>
<i>Coming into force</i> - -	<i>27th January 2014</i>

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by sections 23(1), (2), (5), (9) and 41(1) to (3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a).

PART 1

GENERAL AND AMENDMENTS

Citation and commencement

1. These Regulations may be cited as the Criminal Legal Aid (Contribution Orders) (Amendment) Regulations 2013 and come into force on 27th January 2014.

Interpretation

2. In these Regulations—

“the 2013 Regulations” means the Criminal Legal Aid (Contribution Orders) Regulations 2013(b); and

“the Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Amendments to the 2013 Regulations

3. The 2013 Regulations are amended as follows.

4. For regulation 6 substitute—

“6.—(1) This Part applies where the Director has made a determination that an individual’s financial resources are such that the individual is eligible in accordance with section 21 of the Act (financial resources) for representation under section 16 of the Act (representation for criminal proceedings) in relation to Crown Court proceedings.

(a) 2012 c. 10. Section 42(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10) provides that in Part 1 of that Act “regulations” means regulations made by the Lord Chancellor.
(b) S.I. 2013/483.

- (2) In this Part “Crown Court proceedings” means criminal proceedings—
- (a) in respect of an offence for which an individual may be, or has been, sent by a magistrates’ court to the Crown Court for trial;
 - (b) relating to an offence in respect of which a bill of indictment has been preferred by virtue of section 2(2)(b) of the Administration of Justice (Miscellaneous Provisions) Act 1933(a); or
 - (c) which are to be heard in the Crown Court following an order by the Court of Appeal or the Supreme Court for a retrial.”

5.—(1) Regulation 7 (documentary evidence of financial resources) is amended as follows.

(2) For paragraph (1) substitute—

“(1) Where the Director has determined under section 16 of the Act that an individual qualifies for representation for the purposes of Crown Court proceedings, the Director may require that individual to provide documentary evidence in relation to their financial resources.”

(3) For paragraph (2) substitute—

“(2) The individual must provide the documentary evidence requested under paragraph (1) within 14 days of the date of that request.”

(4) In sub-paragraph (3)(a), after “request”, insert “under this paragraph”.

6. In regulation 8, for paragraph (1) substitute—

“(1) Subject to regulation 9, where the Director has determined under section 16 of the Act that an individual qualifies for representation for the purposes of Crown Court proceedings, the Director must assess the individual’s income in accordance with regulation 10 and 11.”

7. In regulations 17, 25(c) and 34, for “criminal proceedings to which this Part applies” substitute “Crown Court proceedings”.

PART 2

TRANSITIONAL PROVISIONS

Transitional provisions

8.—(1) These regulations do not apply to an application by an individual for a determination under section 16 of the Act in relation to representation in Crown Court proceedings which is made before 27th January 2014.

(2) For the purposes of this regulation, an application is made before 27th January if the application is signed and dated by the individual before 27th January 2014.

Signed by authority of the Lord Chancellor

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

1st November 2013

(a) 1933 c. 36. Section 2(2)(b) was amended by section 5 and Schedule 2 of the Criminal Appeal Act 1964 c. 43, section 152(1) and Schedule 5 of the Senior Court Act 1981 c. 54 and section 31(6) and Schedule 2 of the Prosecution of Offences Act 1985 (c. 23).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Legal Aid (Contribution Orders) Regulations 2013, (S.I. 2013/483) (the “2013 Regulations”). The 2013 Regulations make provision in relation to the liability of individuals who are in receipt of representation in the Crown Court under section 16 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the Act”) to make a payment in connection with the provision of such representation. The liability to make such a payment is based on an assessment of the financial resources of the individual.

The amendments to the 2013 Regulations are made in consequence of the Criminal Legal Aid (Financial Resources) (Amendment) Regulations 2013 (S.I. 2013/2791), which introduce new financial eligibility criteria for individuals who apply for legal aid in respect of certain criminal proceedings in the Crown Court. An individual will only be liable to make a payment under the 2013 Regulations where the Director has determined that the individual is eligible for legal aid in respect of those proceedings.

A full impact assessment of the effect of the policy implemented by this instrument on the costs of business and the voluntary sector was produced with the Government’s response to consultation, *Transforming Legal Aid: Next Steps* and is available at <https://consult.justice.gov.uk/>.

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