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STATUTORY INSTRUMENTS

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**2013 No. 483**

The Criminal Legal Aid (Contribution Orders) Regulations 2013

PART 3 **E+W**

Appeals to the Crown Court

**Application of this Part** **E+W**

**40.**—(1) This Part applies to appeals to the Crown Court from the magistrates' court in proceedings against conviction, sentence or an order.

(2) In this Part “order”, without more, means an order made in proceedings referred to in regulation 9 of the Criminal Legal Aid (General Regulations) 2013(1).

**Commencement Information**

**11** Reg. 40 in force at 1.4.2013, see [reg. 1](#)

**Application of the provisions in Part 2** **E+W**

**41.** The following regulations apply to appeals as they apply to proceedings to which Part 2 applies, with the modifications in sub-paragraph (e)—

- (a) regulation 5;
- (b) regulation 8;
- (c) regulation 9;
- (d) regulation 10(1) to (3) and (5);
- (e) regulation 11 with the following modifications—
  - (i) after paragraph (2)(b) omit “and”; and
  - (ii) after paragraph (2)(c) insert “and (d) £500, representing the costs of an appeal”;
- (f) regulation 17;
- (g) regulation 18(1)(b) to (d);
- (h) regulation 38; and
- (i) regulation 39.

**Commencement Information**

**12** Reg. 41 in force at 1.4.2013, see [reg. 1](#)

### Determination by the Director of liability to make a payment **E+W**

**42.**—(1) Where the Director calculates that an individual's—

- (a) gross annual income, adjusted under regulation 10(1)(b) where relevant, is £12,475 or less; or
- (b) disposable annual income is £3,398 or less,

the individual is not liable to make a payment and the Director must notify the individual that the individual is not liable to make a payment.

(2) Where—

- (a) the Director calculates that an individual's disposable annual income exceeds £3,398; and
- (b) the appeal is made against—
  - (i) conviction, or conviction and sentence, and that appeal is abandoned or dismissed;
  - (ii) sentence or an order, and that appeal is abandoned or dismissed; or
  - (iii) conviction and sentence, and the appeal against conviction is abandoned or dismissed but the appeal against sentence is allowed,

the Director must make a determination in accordance with paragraph (3).

(3) The Director must—

- (a) make a determination that the individual is liable to make a payment of—
  - (i) £500, where paragraph (2)(b)(i) applies; or
  - (ii) £250, where paragraph (2)(b)(ii) or (iii) applies; and
- (b) issue a contribution order recording the determination.

#### Commencement Information

**I3** Reg. 42 in force at 1.4.2013, see [reg. 1](#)

### Contribution order: general **E+W**

**43.**—(1) A contribution order must state—

- (a) the name of the individual;
- (b) the amount payable;
- (c) that the amount must be paid within 28 days of the abandonment or dismissal of the appeal, or such other period as may be agreed by the Director and the individual;
- (d) the remedies available to the Lord Chancellor as a creditor if a payment is overdue;
- (e) that if a payment is overdue, compound interest at the rate of 6% per year with half-yearly rests may be added to that payment from the date on which the payment is required to be made as—
  - (i) specified in the contribution order; or
  - (ii) otherwise agreed by the Director and the individual;
- (f) the individual's—
  - (i) duty under regulation 17; and
  - (ii) right under regulation 39; and
- (g) that the costs incurred in connection with the enforcement of the contribution order may be added to the amount payable under the contribution order.

(2) Payments due under a contribution order must be made to the Lord Chancellor.

**Commencement Information**

**I4** Reg. 43 in force at 1.4.2013, see [reg. 1](#)

**Determination by the Director of liability to make a payment following reassessment** **E+W**

**44.**—(1) Where no determination under regulation 42 has been made that an individual is liable to make a payment and on reassessment in accordance with regulation 18, the Director calculates that the individual's disposable annual income exceeds £3,398, the Director must make a determination in accordance with regulation 42.

(2) Where a determination under regulation 42 has already been made that the individual is liable to make a payment and on reassessment in accordance with regulation 18, the Director calculates that the individual's disposable annual income is £3,398 or less, the Director must withdraw the determination.

**Commencement Information**

**I5** Reg. 44 in force at 1.4.2013, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Criminal Legal Aid (Contribution Orders) Regulations 2013, PART 3.