
STATUTORY INSTRUMENTS

2013 No. 483

The Criminal Legal Aid (Contribution Orders) Regulations 2013

PART 1

Interpretation and General

Interpretation

2. In these Regulations—

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

[^{F1}“the 2015 (Northern Ireland) Order” means the Welfare Reform (Northern Ireland) Order 2015;]

“capital” includes specified and unspecified capital;

“capital contribution order” means a contribution order in relation to capital;

“contribution order” means a document which records a determination by the Director under these Regulations;

“cost of representation” means the cost of representation of an individual calculated in accordance with regulation 25 (assessment of the cost of representation on the conclusion of the proceedings);

“date of the conclusion of the proceedings” means the date on which—

- (a) an individual is sentenced or otherwise dealt with for any offence following conviction in the Crown Court;
- (b) an individual is acquitted of any offence in the Crown Court; or
- (c) the determination under section 16 of the Act (representation for criminal proceedings) that an individual qualifies for representation for the purposes of the criminal proceedings to which Part 2 applies is withdrawn;

“disposable annual income” means the disposable income of an individual calculated in accordance with regulation 11 (calculation of disposable annual income);

“disposable specified capital” means the disposable specified capital of an individual calculated in accordance with regulation 28 (calculation of disposable specified capital);

“gross annual income” means the gross income of an individual calculated in accordance with regulation 10(2) (calculation of gross annual income) and before any adjustment made under regulation 10(1)(b);

“income contribution order” means a contribution order in relation to income;

“overdue” means any amount which is unpaid on the day after the date the payment is required to be made by the individual;

“partner” means—

- (a) an individual’s spouse or civil partner, from whom the individual is not separated due to a breakdown in the relationship which is likely to be permanent;

- (b) a person with whom an individual lives as a couple; or
 - (c) a person with whom an individual ordinarily lives as a couple, from whom the individual is not separated due to a breakdown in the relationship which is likely to be permanent;
- “period of calculation” means the period of one year ending on the date on which the application for a determination under section 16 of the Act is made;

[^{F2}“POCA” means the Proceeds of Crime Act 2002;]

[^{F2}“POCA restraint order” means a restraint order made under Part 2 of POCA;]

“recoverable costs of representation” means—

- (a) except where regulation 26 (assessment by the court of proportion of the cost of representation) applies, the cost of representation; or
- (b) where regulation 26 applies, the proportion of the cost of representation specified in the order of the court;

“relevant outstanding amount” means—

- (a) where a determination under regulation 12 (determination by the Director of liability to make a payment out of income), 13 (determination by the Director of liability to make a payment out of income: income evidence sanction) or 19(3) (determination by the Director of liability to make a payment following reassessment of income) has been made that an individual is liable to make a payment, the amount of any payment or payments under the income contribution order which—
 - (i) were required to be made on or before the date of the conclusion of the proceedings; and
 - (ii) are overdue; and
- (b) where a determination under regulation 19(2) or 23 (determination by the Director of liability to make an additional payment following reassessment of income) has been made that an individual is liable to make a payment, the amount of any such payment which is unpaid;

“specified capital” means—

- (a) any interest in real property;
- (b) money in a bank or building society account;
- (c) money in a National Savings Bank account;
- (d) national savings certificates;
- (e) Premium Savings Bonds;
- (f) property in an account to which the Individual Savings Account Regulations 1998(1) apply;
- (g) property in a personal equity plan;
- (h) property in a unit trust scheme;
- (i) any other lump sum investment; and
- (j) shares and stock; and

“unspecified capital” means capital which is not specified capital.

[^{F3}“the Windrush Compensation Scheme” means the scheme of that name launched on 3rd April 2019 and administered by the Home Office;]

(1) [S.I. 1998/1870](#), to which there are amendments not relevant to these Regulations.

[^{F3}“Windrush connected payment” means a payment where—

- (a) an individual has made a claim under the Windrush Compensation Scheme;
- (b) a request included in that claim has been referred by the Home Office to another person;
and
- (c) the payment is made to the individual by that other person as a result of that referral;]

Textual Amendments

- F1** Words in reg. 2 inserted (28.7.2016) by The Civil and Criminal Legal Aid (Financial Eligibility and Contributions) (Amendment) Regulations 2016 (S.I. 2016/708), regs. 1, **8(2)**
- F2** Words in reg. 2 inserted (1.6.2015) by The Criminal Legal Aid (Contribution Orders) (Amendment) Regulations 2015 (S.I. 2015/710), regs. 1, **2(2)** (with reg. 3)
- F3** Words in reg. 2 inserted (1.5.2019) by The Legal Aid (Financial Resources and Contribution Orders) (Amendment) Regulations 2019 (S.I. 2019/894), regs. 1, **4(2)**

Commencement Information

- I1** Reg. 2 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, Section 2.