
STATUTORY INSTRUMENTS

2013 No. 9

The Criminal Legal Aid (General) Regulations 2013

PART 1

Interpretation and General

Citation and commencement

1. These Regulations may be cited as the Criminal Legal Aid (General) Regulations 2013 and come into force on 1st April 2013.

Commencement Information

II [Reg. 1](#) in force at 1.4.2013, see [reg. 1](#)

Interpretation

2. In these Regulations—

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

“constable” means a member of a police force, an officer of the British Transport Police Force, an officer of Revenue and Customs and any other official who has a power of arrest by virtue of their office;

“criminal legal aid” means advice, assistance and representation made available under sections 13, 15 and 16 of the Act;

[^{F1}“Financial Resources Regulations” means the Criminal Legal Aid (Financial Resources) Regulations 2013;]

“provider” means a person with whom the Lord Chancellor has made an arrangement under section 2(1) of the Act (arrangements) for the provision of criminal legal aid;

“representation order” means a document which records a determination under section 16 of the Act (representation for criminal proceedings);

“Unit of Work” has the meaning given in paragraph 1.5 of Part A of the Specification to the 2010 Standard Crime Contract; and

“2010 Standard Crime Contract” means the contract so named between the Lord Chancellor and providers for the provision of criminal legal aid(1).

(1) A copy of the 2010 Standard Crime Contract is available at www.justice.gov.uk/legal-aid. Copies can be inspected at the Legal Aid Agency (Head Office), 102 Petty France, London, SW1H 9AJ.

Status: Point in time view as at 05/10/2015.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Criminal Legal Aid (General) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** Words in [reg. 2](#) inserted (27.1.2014) by [The Criminal Legal Aid \(General\) \(Amendment\) Regulations 2013 \(S.I. 2013/2790\)](#), regs. 1(3), [3](#)

Commencement Information

- I2** [Reg. 2](#) in force at 1.4.2013, see [reg. 1](#)

Disregarding determinations

3. A determination may be disregarded if made in response to an application made otherwise than in accordance with these Regulations.

Commencement Information

- I3** [Reg. 3](#) in force at 1.4.2013, see [reg. 1](#)

Delegation

4. A function of the Lord Chancellor or Director⁽²⁾ under these Regulations may be exercised by, or by an employee of, a person authorised for that purpose by the Lord Chancellor or Director respectively⁽³⁾.

Commencement Information

- I4** [Reg. 4](#) in force at 1.4.2013, see [reg. 1](#)

Reporting duty

5.—(1) Notwithstanding the relationship between an individual and the provider or any privilege arising out of that relationship, where the provider knows or suspects that the individual—

- (a) has failed without good reason to comply with a requirement to provide information or documents; or
- (b) in providing such required information or documents has made a statement or representation knowing or believing it to be false,

the provider must immediately report the relevant circumstances to the Director.

(2) The withdrawal of a determination does not affect a provider’s right to remuneration for work done prior to the date on which a determination is withdrawn under these Regulations unless the provider has failed without good reason to comply with the reporting requirements in paragraph (1).

Commencement Information

- I5** [Reg. 5](#) in force at 1.4.2013, see [reg. 1](#)

(2) Section 42(1) of the Act provides that in Part 1 of the Act (legal aid) “the Director” means the Director of Legal Aid Casework.
 (3) Section 6 of the Act (authorisations) makes provision for authorisations given for the purposes of section 5 of the Act (delegation) or regulations under that section.

Transfer of documents

- 6.—(1) This regulation applies where an individual—
- (a) is sent ^{F2}... for trial to the Crown Court; or
 - (b) appeals or seeks permission to appeal from a lower court to a higher court.
- (2) An officer of the lower court must ensure that the following documents are sent from the lower court to the higher court—
- (a) a copy of any representation order made in the proceedings; and
 - (b) a copy of any application for a representation order in relation to the proceedings which has been refused.

Textual Amendments

- F2** Words in [reg. 6\(1\)\(a\)](#) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), [regs. 1\(2\)\(a\)](#), [3](#) (with [reg. 10\(1\)](#))

Commencement Information

- I6** [Reg. 6](#) in force at 1.4.2013, see [reg. 1](#)

Status:

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