
STATUTORY INSTRUMENTS

2015 No. 710

The Criminal Legal Aid (Contribution Orders) (Amendment) Regulations 2015

Amendments to the Criminal Legal Aid (Contribution Orders) Regulations 2013

2.—(1) The Criminal Legal Aid (Contribution Orders) Regulations 2013⁽¹⁾ are amended as follows.

(2) In regulation 2 (interpretation), at the appropriate places insert—

““POCA” means the Proceeds of Crime Act 2002⁽²⁾,” and

““POCA restraint order” means a restraint order made under Part 2 of POCA;”.

(3) In regulation 10 (calculation of gross annual income), in paragraph (2)(f) for “a restraint order under section 41 of the Proceeds of Crime Act 2002” substitute “a POCA restraint order”.

(4) In regulation 28 (calculation of disposable specified capital)—

(a) in paragraph (3)(b), before “the individual” insert “subject to paragraph (3A),” and

(b) after paragraph (3), insert—

“(3A) Paragraph (3)(b) does not apply where the order is a POCA restraint order.”.

(5) In regulation 32 (capital contribution order: general)—

(a) in paragraph (1)(d) at the beginning insert “unless paragraph (1A) applies,” and

(b) after paragraph (1) insert—

“(1A) This paragraph applies where the individual is subject to a POCA restraint order.

(1B) Where paragraph (1A) applies, the capital contribution order must state—

(a) the amount of the individual’s capital which is—

(i) subject to a POCA restraint order; and

(ii) not subject to a POCA restraint order (“B”),

as calculated by the Director;

(b) where B is equal to, or exceeds, the amount payable, that the individual must pay the amount payable in full within 28 days of the date of the capital contribution order or within such other period as may be agreed by the Director and the individual;

(c) where B is less than the amount payable, that the individual must make a payment of the value of B within 28 days of the date of the capital contribution order or within such other period as may be agreed by the Director and the individual; and

(d) where paragraph (c) applies, that the individual must make a payment which is the amount payable less any sum already paid under sub-paragraph (c), within

(1) [S.I. 2013/483](#) as amended by [S.I. 2013/2792](#).

(2) [2002 c. 29](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

28 days of the date on which paragraph (1C) first applies or within such other period following that date as may be agreed by the Director and the individual.

(1C) This paragraph applies where—

- (a) a confiscation order under Part 2 of POCA has been made against the individual to whom the capital contribution order is issued;
- (b) the POCA restraint order and the confiscation order were both made in proceedings that were entirely or partly for the same offence; and
- (c) that confiscation order has been discharged or satisfied.”.