
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Access to Justice Act 1999 (c. 22) (“AJA”) and the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“LASPO”) make provision for the determination of financial eligibility for legal aid and liability for contributions towards the cost of legal services. Regulations under the AJA and LASPO make provision for assessing an individual’s financial resources for those purposes, including seeking information about the individual’s receipt of prescribed benefits for the purposes of such determinations.

Section 49(3)(d) of the Children and Families Act 2014 (c. 6) provides for regulations to be made to allow for direct payments to be made to a child’s parent or a young person in order to secure for the child or young person the provision identified in an education, health and care plan.

Regulations 2 to 6 and 8 to 11 amend the relevant regulations made under the AJA and LASPO to allow for such direct payments to be disregarded for the purposes of determining eligibility for legal aid and liability for contributions towards the cost of legal services and included for the purposes of requesting information about prescribed benefits. Regulations 2 to 6, 9 and 11 also update the relevant regulations to reflect current provision for other direct payments in England and Wales.

Finally, Regulation 7 amends regulation 9 of the Criminal Legal Aid (General) Regulations 2013 (S.I. 2013/9) to prescribe as criminal proceedings for the purposes of section 14(h) of LASPO proceedings for breach of an injunction under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) where the person who subject to the injunction is aged under 14.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.