
EXPLANATORY NOTE

(This note is not part of the Regulations)

This instrument amends the Criminal Legal Aid (General) Regulations 2013 (S.I. 2013/9) (“the General Regulations”), the Criminal Legal Aid (Financial Resources) Regulations 2013 (S.I. 2013/471) (“the Financial Regulations”), and the Criminal Legal Aid (Remuneration) Regulations 2013 (S.I. 2013/435) (“the Remuneration Regulations”). The General Regulations and Financial Regulations together prescribe circumstances in which an individual qualifies for criminal legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the Act”). The Remuneration Regulations make provision for the funding and remuneration of services made available under sections 13, 15 and 16 of the Act.

Regulations 2, 3(4), 3(5)(a), 3(5)(b) and 4 amend the General Regulations, the Remuneration Regulations and the Financial Regulations to reflect the replacement of the 2010 Standard Crime Contract with the 2017 Standard Crime Contract on 1st April 2017. The Standard Crime Contract governs the contractual relationship between providers (individual legal professionals) of criminal legal aid services and the Lord Chancellor.

Regulation 9 of the Remuneration Regulations provides that, where representation is provided in connection with proceedings in the Crown Court, providers of legal aid services must not accept payment for work done in connection with those proceedings from sources other than the Lord Chancellor. Regulations 3(2) and 3(3) extend this prohibition on payment from other sources to work done in connection with proceedings in magistrates’ courts.

Section 14(h) of the Act provides that the Lord Chancellor may designate certain proceedings to be criminal proceedings for the purposes of the Act. Payment for work done in connection with proceedings that are so designated is subject to an upper limit, in respect of each matter, of £1,368.75 where the work relates to proceedings in the Crown Court. Regulation 3(5)(d) makes amendments to the Remuneration Regulations so that where proceedings in the High Court, County Court or Family Court are designated as criminal proceedings under Section 14(h) of the Act, work done in connection with those proceedings will be subject to the same upper limit.

Chapter 1 of Part 4 of the Policing and Crime Act 2017 (c. 3), when commenced, will introduce new proceedings relating to police bail. Payment for work done in connection with these proceedings will be made under paragraph 3(4) of Schedule 4 to the Remuneration Regulations. Regulation 3(5)(c) amends that paragraph and the heading of the table in that paragraph so that it refers to all applications relating to police bail. It currently refers only to applications to vary the conditions of police bail.

Regulation 5 provides that these Regulations will apply to work done pursuant to determinations for criminal legal aid made on or after 1st April 2017 and will not affect work done pursuant to a determination made before that date.

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