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**Changes to legislation:** Legal Aid, Sentencing and Punishment of Offenders Act 2012, SCHEDULE 2 is up to date with all changes known to be in force on or before 04 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 2

Section 24

#### CRIMINAL LEGAL AID: MOTOR VEHICLE ORDERS

##### *Amounts payable in connection with criminal legal aid*

- 1 (1) This Schedule makes provision about the recovery of—
- (a) an amount payable in connection with the provision of criminal legal aid which is unpaid after the time when it is required to be paid under section 23,
  - (b) interest in respect of such an amount which is required to be paid under that section, and
  - (c) an amount required to be paid under section 24 in respect of costs incurred in connection with the enforcement of an obligation to pay an amount or interest described in paragraph (a) or (b).
- (2) Such amounts and interest are referred to in this Schedule as “relevant overdue amounts”.
- (3) In this Schedule “criminal legal aid” means—
- (a) advice and assistance required to be made available under section 13 or 15, and
  - (b) representation required to be made available made under section 16.

##### *Recovery by means of motor vehicle orders*

- 2 (1) Regulations under section 24 may authorise a court to make motor vehicle orders in respect of an individual for the purpose of enabling a relevant overdue amount required to be paid by the individual to be recovered by the person to whom the amount is due.
- (2) Regulations that make such provision are referred to in this Schedule as “MVO regulations”.
- (3) In this Schedule “court” means the High Court, [<sup>F1</sup> the county court ] or a magistrates' court.

#### **Textual Amendments**

- F1** Words in Sch. 2 para. 2(3) substituted (22.4.2014) by the Crime and Courts Act 2013 (c. 22), Sch. 9, Pt. 3 para 52; S.I. 2014/954, art. 2(c)

##### *Motor vehicle orders*

- 3 (1) In this Schedule “motor vehicle order” means—
- (a) a clamping order;

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(b) a vehicle sale order.

(2) A clamping order is an order—

- (a) that a motor vehicle be fitted with an immobilisation device (“clamped”), and
- (b) which complies with any requirements that are imposed by MVO regulations with respect to the making of clamping orders.

(3) A vehicle sale order is an order that—

- (a) a motor vehicle which is the subject of a clamping order is to be sold or otherwise disposed of in accordance with provision made by MVO regulations, and
- (b) any proceeds are to be applied, in accordance with MVO regulations, in discharging the individual's liability in respect of the relevant overdue amount.

(4) MVO regulations may make provision in connection with—

- (a) the procedure for making motor vehicle orders,
- (b) the matters which must be included in such orders,
- (c) the fitting of immobilisation devices,
- (d) the fixing of notices to motor vehicles to which immobilisation devices have been fitted and the content of such notices,
- (e) the removal and storage of motor vehicles,
- (f) the release of motor vehicles from immobilisation devices or from storage, including the conditions to be met before a motor vehicle is released,
- (g) the sale or other disposal of motor vehicles not released,
- (h) the imposition of charges in connection with the fitting of immobilisation devices,
- (i) the imposition of charges in connection with the removal, storage, release (whether from immobilisation devices or from storage), sale or disposal of motor vehicles, and
- (j) the recovery of charges described in paragraphs (h) and (i), including provision for them to be recovered from the proceeds of sale of motor vehicles.

(5) In this Schedule—

“immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984 (immobilisation of vehicles illegally parked);

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, except that section 189 of the Road Traffic Act 1988 (exceptions for certain vehicles) applies for the purposes of this Schedule as it applies for the purposes of the Road Traffic Acts.

#### *Applications*

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MVO regulations must provide that a motor vehicle order may be made in relation to a relevant overdue amount only on the application of the person to whom the amount is due.

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#### *Matters of which court to be satisfied*

- 5 (1) MVO regulations must provide that, before a court makes a clamping order in respect of an individual, it must be satisfied—
- (a) that the failure to pay the relevant overdue amount is attributable to the individual's wilful refusal or culpable neglect, and
  - (b) that the value of the motor vehicle or vehicles to be clamped, if sold, would be likely to be an amount which exceeds half of the estimated recoverable amount.
- (2) In this paragraph “the estimated recoverable amount” means the aggregate of—
- (a) the relevant overdue amount, and
  - (b) the amount of the likely charges due under MVO regulations in relation to the motor vehicle or vehicles.

#### *Ownership of motor vehicles*

- 6 (1) MVO regulations must provide that a clamping order must not be made except in relation to a motor vehicle which is owned by the individual liable to pay the relevant overdue amount.
- (2) For this purpose a motor vehicle is owned by an individual if the individual has an interest in the motor vehicle.

#### *Motor vehicles used by disabled persons*

- 7 (1) MVO regulations must provide that an immobilisation device may not be fitted to a motor vehicle—
- (a) which displays a current disabled person's badge or a current recognised badge, or
  - (b) in relation to which there are reasonable grounds for believing that it is used for the carriage of a disabled person.
- (2) In this paragraph—
- “disabled person's badge” means a badge issued, or having effect as if issued, under regulations under section 21 of the Chronically Sick and Disabled Persons Act 1970 (badges for display on motor vehicles used by disabled persons);
- “recognised badge” has the meaning given by section 21A of the Chronically Sick and Disabled Persons Act 1970 (recognition of badges issued outside Great Britain).

#### *Restrictions on making vehicle sale orders*

- 8 MVO regulations must provide that, where a motor vehicle has been clamped under a clamping order, no vehicle sale order may be made in respect of the motor vehicle before the end of a prescribed period.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2016/286, art. 4(1) by [S.I. 2017/225 art. 2](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. S.I. 2018/1125, reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))

**Whole provisions yet to be inserted into this Act (including any effects on those provisions):**

- s. 9(3)(4) inserted by [2022 c. 36 s. 25\(2\)](#)
- s. 9A inserted by [2023 c. 32 s. 89\(3\)](#)
- s. 9B inserted by [2023 c. 32 s. 90](#)
- s. 10(3A)-(3E) inserted by [2022 c. 36 s. 67](#)
- Sch. 1 Pt. 1 para. 31ZA and cross-heading inserted by [2022 c. 36 s. 25\(1\)](#)
- Sch. 1 Pt. 1 para. 31B and cross-heading inserted by [2022 c. 36 s. 57\(2\)](#)
- Sch. 1 Pt. 1 para. 19(1A)(1B) and heading inserted by [2022 c. 36 s. 66\(2\)\(a\)](#)
- Sch. 1 Pt. 1 para. 19(2A) inserted by [2022 c. 36 s. 66\(2\)\(b\)](#)
- Sch. 1 Pt. 1 para. 19(8A) and heading inserted by [2022 c. 36 s. 66\(2\)\(c\)](#)
- Sch. 1 Pt. 1 para. 25(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 26(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 27(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 27A(1A) and heading inserted by [2022 c. 36 s. 66\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 25(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 26(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 27(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 27A(3)(4) and heading inserted by [2022 c. 36 s. 66\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 30(1A) and heading inserted by [2022 c. 36 s. 66\(4\)\(a\)](#)
- Sch. 1 Pt. 1 para. 30(2A) inserted by [2022 c. 36 s. 66\(4\)\(b\)](#)
- Sch. 1 Pt. 1 para. 30(3A) and heading inserted by [2022 c. 36 s. 66\(4\)\(c\)](#)
- Sch. 1 Pt. 1 para. 31A(2A) and heading inserted by [2022 c. 36 s. 66\(5\)\(a\)](#)
- Sch. 1 Pt. 1 para. 31A(3A)(3B) and heading inserted by [2022 c. 36 s. 66\(5\)\(b\)](#)
- Sch. 1 Pt. 1 para. 19(6A) inserted by [2023 c. 37 s. 56\(2\)\(a\)](#)
- Sch. 1 Pt. 1 para. 31C inserted by [2023 c. 37 s. 56\(3\)](#)
- Sch. 1 Pt. 1 para. 27A(1) inserted by [S.I. 2017/617 reg. 3\(4\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 1 para. 11(1A) inserted by [S.I. 2023/150 art. 4\(3\)\(a\)](#)
- Sch. 1 Pt. 1 para. 11(3A) inserted by [S.I. 2023/150 art. 4\(3\)\(b\)](#)
- Sch. 1 Pt. 1 para. 2(1)(b) omitted by [2018 anaw 2 Sch. 1 para. 21\(2\)\(a\)\(ii\)](#)
- Sch. 1 Pt. 1 para. 45(2) omitted by [2023 c. 32 s. 91\(2\)](#)
- Sch. 1 Pt. 1 para. 45(3) substituted by [2023 c. 32 s. 91\(3\)](#)
- Sch. 1 Pt. 1 para. 26(1) substituted by [S.I. 2017/617 reg. 3\(2\)\(b\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))

- Sch. 1 Pt. 1 para. 27(1) substituted by [S.I. 2017/617 reg. 3\(3\)\(b\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 1 para. 19(10) words inserted by [2023 c. 37 s. 56\(2\)\(b\)](#)
- Sch. 1 Pt. 1 para. 31(1)(a) words inserted by [S.I. 2023/147 art. 2\(2\)\(a\)](#)
- Sch. 1 Pt. 1 para. 31(1)(a) words inserted by [S.I. 2023/147 art. 2\(2\)\(b\)](#)
- Sch. 1 Pt. 1 para. 31(1)(a) words omitted by [2016 c. 19 Sch. 11 para. 2\(1\)](#)
- Sch. 1 Pt. 1 para. 45(4) words omitted by [2023 c. 32 s. 91\(4\)](#)
- Sch. 1 Pt. 1 para. 26 heading words substituted by [S.I. 2017/617 reg. 3\(2\)\(a\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 1 para. 27 heading words substituted by [S.I. 2017/617 reg. 3\(3\)\(a\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 3 para. 16A inserted by [2023 c. 37 s. 56\(4\)](#)
- Sch. 1 Pt. 3 para. 11(b) and word inserted by [S.I. 2017/617 reg. 3\(6\)\(b\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 3 para. 8(b) omitted by [S.I. 2017/617 reg. 3\(5\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 3 para. 11(a) and word omitted by [S.I. 2017/617 reg. 3\(6\)\(a\)](#) (This amendment comes into force on the commencement of paragraph 1 of Schedule 10 to the Immigration Act 2016 (c. 19))
- Sch. 1 Pt. 4 para. 8 inserted by [2022 c. 36 s. 66\(6\)](#)