



Criminal Defence Service Act 2006

2006 CHAPTER 9

3 Rights to representation: contribution orders

- (1) The Access to Justice Act 1999 (c. 22) is amended as follows.
- (2) In section 17 (terms of provision of funded services)—
 - (a) in subsection (1), at the end there is inserted “or regulations under section 17A otherwise provide”, and
 - (b) in subsection (2), at the end there is inserted “, except insofar as he has already been ordered under regulations under section 17A to pay that cost”.
- (3) After section 17 there is inserted—

“17A Contribution orders

- (1) Regulations may provide that, in prescribed circumstances, where—
 - (a) an individual has been granted a right to representation, and
 - (b) his financial resources are such as to make him liable under the regulations to do so,the relevant authority shall order him to pay the cost of his representation or to make a contribution in respect of that cost of such amount as is fixed by or determined under the regulations.
- (2) Regulations under subsection (1) may include—
 - (a) provision requiring the furnishing of information;
 - (b) provision for the determination of the cost of representation for the purposes of liability under a contribution order;
 - (c) provision enabling the relevant authority to require that an amount payable under a contribution order be paid by periodical payments or one or more capital sums, or both;
 - (d) provision for the payment by an individual of interest (on such terms as may be prescribed) in respect of—

Status: This is the original version (as it was originally enacted).

- (i) any payment in respect of the cost of representation required by a contribution order to be made by him later than the time when the representation is provided;
 - (ii) so much of any payment which he is required by a contribution order to make which remains unpaid after the time when it is required to be made;
 - (e) provision about the enforcement of any liability under a contribution order, including provision for the withdrawal of the individual's right to representation in certain circumstances;
 - (f) provision for the variation or revocation of contribution orders;
 - (g) provision for an appeal to lie to such court or other person or body as may be prescribed against a contribution order;
 - (h) such transitional provision as the Lord Chancellor may consider appropriate.
- (3) Regulations under subsection (1) shall include provision for the repayment to an individual of any payment made by him in excess of his liability under a contribution order.
- (4) Regulations under subsection (1) shall provide that an order made under the regulations may not order the payment of costs to the extent that they are already the subject of an order under section 17(2).
- (5) Regulations under subsection (1) may—
- (a) be made so as to have effect only for a specified period not exceeding 12 months;
 - (b) provide that their provisions are to apply only in relation to one or more prescribed areas.
- (6) In this section, “contribution order” means an order under regulations under subsection (1).”
- (4) In section 25 (orders, regulations and directions), in subsection (9A) (inserted by section 2 of this Act), after “under” there is inserted “section 17A or”.