



# Legal Aid, Sentencing and Punishment of Offenders Act 2012

## 2012 CHAPTER 10

### PART 1

#### LEGAL AID

##### *Financial resources*

#### **21 Financial resources**

- (1) A person may not make a relevant determination that an individual qualifies under this Part for services unless the person has determined that the individual's financial resources are such that the individual is eligible for the services (and has not withdrawn the determination).
- (2) Regulations may—
  - (a) make provision about when an individual's financial resources are such that the individual is eligible under this Part for services, and
  - (b) make provision for exceptions from subsection (1).
- (3) Regulations may provide that an individual is to be treated, for the purposes of regulations under subsection (2), as having or not having financial resources of a prescribed description.
- (4) Regulations under subsection (3) may, in particular, provide that the individual is to be treated as having prescribed financial resources of a person of a prescribed description.
- (5) Regulations may make provision about the making and withdrawal of determinations under this section.
- (6) Regulations under subsection (5) may, in particular, include—
  - (a) provision about the form and content of determinations,

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*Status: This is the original version (as it was originally enacted).*

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- (b) provision permitting or requiring determinations to be made and withdrawn in writing, by telephone or by other prescribed means,
  - (c) provision setting time limits for determinations,
  - (d) provision about conditions which must be satisfied before a determination is made,
  - (e) provision about the circumstances in which a determination may or must be withdrawn,
  - (f) provision requiring information and documents to be provided,
  - (g) provision requiring individuals who are the subject of a determination to be informed of the reasons for making or withdrawing the determination, and
  - (h) provision for the review of a determination in respect of an individual's financial resources.
- (7) The circumstances prescribed under subsection (6)(e) may, in particular, relate to whether the individual who is the subject of the determination has complied with requirements imposed by or under this Part.
- (8) In this section “relevant determination” means a determination that is required to be carried out in accordance with this section by—
- (a) section 11 or 17, or
  - (b) regulations under section 15 or paragraph 4 of Schedule 3.