
STATUTORY INSTRUMENTS

2008 No. 725

**LEGAL SERVICES COMMISSION,
ENGLAND AND WALES**

**The Criminal Defence Service (General)
(No. 2) (Amendment) Regulations 2008**

Made - - - - 12th March 2008

Laid before Parliament 13th March 2008

Coming into force in accordance with regulation 1

The Lord Chancellor makes these Regulations in exercise of the powers conferred by sections 12(2) (g) and 13(1) of the Access to Justice Act 1999(1).

Citation, commencement, transitional provisions and interpretation

1.—(1) These Regulations may be cited as the Criminal Defence Service (General) (No. 2) (Amendment) Regulations 2008 and come into force—

- (a) as to this regulation and regulation 2, on 6th April 2008;
- (b) as to regulation 3, on 7th April 2008.

(2) An application for advice and assistance which is made before 7th April 2008 is to be dealt with as if regulation 3 had not been made.

(3) In these Regulations “the 2001 Regulations” means the Criminal Defence Service (General) (No. 2) Regulations 2001(2).

Amendments to the 2001 Regulations

2. In regulation 3(2) of the 2001 Regulations—

- (a) in sub-paragraph (o) omit “and”;
- (b) after sub-paragraph (p) insert—

(1) 1999 c.22. “Prescribed” and “regulations” are defined in section 26. The reference to the Lord Chancellor in that section was changed to the Secretary of State by the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887) and was changed back to the Lord Chancellor by the Transfer of Functions (Lord Chancellor and Secretary of State) Order 2005 (S.I. 2005/3429).

(2) S.I. 2001/1437; relevant amending instruments are S.I. 2002/712, 2004/1196, 2005/2784 and 2007/780.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(q) proceedings before the Crown Court or the Court of Appeal relating to serious crime prevention orders and arising by virtue of section 19, 20, 21 or 24 of the Serious Crime Act 2007(3).”.

3. In regulation 5 of the 2001 Regulations—
- (a) in paragraph (3), for “£201” substitute “£209”;
 - (b) in paragraph (5), for “£95” substitute “£99”.

Signed by authority of the Lord Chancellor

12th March 2008

Hunt
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Defence Service (General) (No. 2) Regulations 2001 ([S.I. 2001/1437](#)), which deal with advice and assistance and representation in criminal cases funded by the Legal Services Commission as part of the Criminal Defence Service. They provide that for the purposes of such legal services, proceedings relating to serious crime prevention orders under the Serious Crime Act 2007 are to be regarded as criminal proceedings. They also provide for an increase in the financial eligibility limits for advice and assistance in respect of applications made on or after 7th April 2008.

An impact assessment has not been prepared for this instrument as it has no impact on businesses, charities or voluntary bodies.