

2013 No. 457

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid (Disclosure of Information) Regulations 2013

Made - - - - *28th February 2013*

Laid before Parliament *5th March 2013*

Coming into force - - *1st April 2013*

The Lord Chancellor makes the following Regulations^(a) in exercise of the powers conferred by sections 28 and 35 of, and paragraphs 9 and 10 of Schedule 3 to^(b), the Legal Aid, Sentencing and Punishment of Offenders Act 2012^(c).

Citation and commencement

1. These Regulations may be cited as the Legal Aid (Disclosure of Information) Regulations 2013 and come into force on 1st April 2013.

Interpretation

2. In these Regulations—

“the Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012; and

“criminal legal aid” means advice, assistance and representation made available under sections 13, 15 and 16 of the Act.

Position of providers

3.—(1) The relationship between a provider and a legally aided person, and any privilege arising out of that relationship, does not preclude the provider from disclosing relevant information to the Lord Chancellor or the Director for the purposes of enabling or assisting them to carry out their functions under Part 1 of the Act.

(2) For the purposes of this regulation—

“legally aided person” means an individual or a legal person to whom civil legal services or criminal legal aid have been made available under Part 1 of the Act;

“provider” means a person with whom the Lord Chancellor has made an arrangement under section 2(1) of the Act (arrangements) for the provision of civil legal services or criminal legal aid under Part 1 of the Act; and

(a) Section 42(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the Act”) provides that in Part 1 of that Act “regulations” means regulations made by the Lord Chancellor.
(b) Paragraphs 9(3) and 10 of Schedule 3 to the Act (legal aid for legal persons) provide that in sections 28 and 35 of that Act references to an individual include a legal person.
(c) 2012 c. 10.

“relevant information” means information relating to a legally aided person or to the civil legal services or criminal legal aid which have been made available to that person.

Disclosure of information

4. The Director and Lord Chancellor must not disclose any information for the purposes of the investigation or prosecution of an offence (or a suspected offence) under the law of England and Wales or any other jurisdiction which—

- (a) relates to the defence of an individual or a legal person who has made an application for criminal legal aid (whether or not a determination is made in their favour); and
- (b) may be used for the purposes of the prosecution of that individual or legal person in that case.

Signed by authority of the Lord Chancellor

28th February 2013

McNally
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for providers of services under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) to disclose information notwithstanding the usual rules of privilege regarding the disclosure of client information. Provision is also made to prevent the disclosure of certain information for the purposes of the investigation and prosecution of offences.

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