



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 4

OTHER CRIMINAL JUSTICE PROVISIONS

Criminal legal aid

58 Pilot schemes

- (1) The Access to Justice Act 1999 (c. 22) is amended as follows.
- (2) In section 17A (contribution orders) omit subsection (5) (piloting of regulations).
- (3) After section 18 insert—

“18A Pilot schemes

- (1) This section applies to the following instruments—
 - (a) any order under section 14 or paragraph 5 of Schedule 3,
 - (b) any regulations under section 12, 13, 15, 17 or 17A or any of paragraphs 1A to 5 of Schedule 3, and
 - (c) any regulations under section 22(5) having effect in relation to the Criminal Defence Service.
- (2) Any instrument to which this section applies may be made so as to have effect for a specified period not exceeding 12 months.
- (3) But if the Lord Chancellor thinks that it is necessary or expedient for either of the purposes in subsection (4), the period specified in the instrument—
 - (a) may in the first instance be a period not exceeding 18 months;
 - (b) may be varied so as to become a period not exceeding 18 months.

Status: This is the original version (as it was originally enacted).

- (4) The purposes are—
- (a) ensuring the effective operation of the instrument;
 - (b) co-ordinating the operation of the instrument with the operation of any other provision made under an enactment relating to any aspect of the criminal justice system.
- (5) The period for the time being specified in an instrument to which this section applies may also be varied so that the instrument has effect for such further period as the Lord Chancellor thinks necessary for the purpose of securing that it remains in operation until the coming into force of any order or regulations made under the same provision of this Act that will have effect—
- (a) generally, or
 - (b) for purposes wider than those for which the instrument has effect.
- (6) In the following provisions of this section “pilot scheme” means any instrument which, in accordance with subsections (2) to (5), is to have effect for a limited period.
- (7) A pilot scheme may provide that its provisions are to apply only in relation to—
- (a) one or more specified areas or localities;
 - (b) one or more specified descriptions of court;
 - (c) one or more specified offences or descriptions of offence;
 - (d) one or more specified classes of person;
 - (e) persons selected—
 - (i) by reference to specified criteria; or
 - (ii) on a sampling basis.
- (8) A pilot scheme may make consequential or transitional provision with respect to the cessation of the scheme on the expiry of the specified period (or that period as varied under subsection (3)(b) or (5)).
- (9) A pilot scheme may be replaced by a further pilot scheme making the same or similar provision.”
- (4) In section 25 (regulations, orders and directions) after subsection (9A) insert—
- “(9B) No order or regulations which, by virtue of section 18A, is or are to have effect for a limited period shall be made unless a draft of the order or regulations has been laid before, and approved by a resolution of, each House of Parliament.”