



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 1

LEGAL AID

Supplementary

41 Orders, regulations and directions

- (1) Orders, regulations and directions under this Part—
 - (a) may make different provision for different cases, circumstances or areas,
 - (b) may make provision generally or only for specified cases, circumstances or areas, and
 - (c) may make provision having effect for a period specified or described in the order, regulations or direction.
- (2) They may, in particular, make provision by reference to—
 - (a) services provided for the purposes of proceedings before a particular court, tribunal or other person,
 - (b) services provided for a particular class of individual, or
 - (c) services provided for individuals selected by reference to particular criteria or on a sampling basis.
- (3) Orders and regulations under this Part—
 - (a) may provide for a person to exercise a discretion in dealing with any matter,
 - (b) may make provision by reference to a document produced by any person, and
 - (c) may make consequential, supplementary, incidental, transitional or saving provision.
- (4) Orders and regulations under this Part are to be made by statutory instrument.

- (5) A statutory instrument containing an order or regulations under this Part is subject to annulment in pursuance of a resolution of either House of Parliament, unless it is an instrument described in subsection (6) or (9).
- (6) A statutory instrument containing an order or regulations listed in subsection (7) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (7) Those orders and regulations are—
- (a) orders under section 9;
 - (b) regulations under section 11(1)(b), other than regulations in respect of which the Lord Chancellor has made an urgency statement;
 - (c) regulations under section 13(8);
 - (d) orders under section 17(3);
 - (e) regulations under section 18(7);
 - (f) regulations under section 19;
 - (g) regulations under section 20;
 - (h) regulations under section 22;
 - (i) regulations under section 26(3) or (6)(b) or (d);
 - (j) regulations under section 27(6)(a) or (8);
 - (k) regulations under section 39 that amend or repeal a provision of an Act (as defined in that section), other than regulations revoking such regulations or inserting or repealing provision previously repealed or inserted by such regulations;
 - (l) regulations under paragraph 5(9) of Schedule 3;
 - (m) regulations under paragraph 11 of Schedule 4 that amend or repeal a provision of an Act (as defined in that Schedule).
- (8) An urgency statement is a statement that the Lord Chancellor considers that it is desirable for the regulations to come into force without delay for the reasons given in the statement.
- (9) Where a statutory instrument contains regulations under section 11(1)(b) in respect of which the Lord Chancellor has made an urgency statement—
- (a) the regulations may not come into force before the instrument and the statement are laid before Parliament, and
 - (b) the regulations cease to have effect at the end of the period of 120 days beginning with the day on which the instrument is made unless the instrument is approved by a resolution of each House of Parliament before the end of that period.
- (10) In reckoning the period of 120 days no account is to be taken of any time—
- (a) during which Parliament is dissolved or prorogued, or
 - (b) during which both Houses are adjourned for more than 4 days.
- (11) Where regulations cease to have effect under subsection (9) that does not affect—
- (a) anything previously done in reliance on the regulations, or
 - (b) the making of further regulations.