

2005 No. 2784

**LEGAL SERVICES COMMISSION, ENGLAND AND
WALES**

**The Criminal Defence Service (General) (No. 2) (Amendment)
Regulations 2005**

Made - - - - *9th October 2005*

Laid before Parliament *10th October 2005*

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by sections 12(2)(g), 13 and 26 of the Access to Justice Act 1999(a) and now vested in him(b), makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Criminal Defence Service (General) (No. 2) (Amendment) Regulations 2005 and shall come into force—

- (a) for the purposes of this regulation and regulations 2, 3, 5 and 7, on 31st October 2005;
- (b) for the purposes of regulation 4, on the date when sections 1G and 1H of the Crime and Disorder Act 1998(c) come into force;
- (c) for the purposes of regulation 6, on the date when section 5A of the Protection from Harassment Act 1997(d) comes into force.

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

Amendments to regulation 3(2) of the 2001 Regulations (criminal proceedings)

2. Regulation 3(2) of the 2001 Regulations is amended as follows.

3. For regulation 3(2)(b) substitute—

“(b) proceedings under sections 1, 1D and 4 of the 1998 Act relating to anti-social behaviour orders;”

(a) 1999 c.22. “Prescribed” and “regulations” are defined in section 26 of the Act.
(b) By virtue of the Secretary of State for Constitutional Affairs Order 2003 (S.I.2003/1887), articles 4(1) and 9, Schedule 1 and Schedule 2, paragraph 11(1).
(c) 1998 c.37; sections 1G and 1H were inserted by section 20 of the Drugs Act 2005 (c.17).
(d) 1997 c.40; section 5A was inserted by the Domestic Violence, Crime and Victims Act 2004 (c.28), section 12(5).
(e) S.I. 2001/1437; relevant amending instruments are S.I. 2002/712, 2002/2785, 2003/644 and 2004/1196.

4. After regulation 3(2)(b) insert—

“(ba) proceedings under sections 1G and 1H of the 1998 Act relating to intervention orders, in which an application for an anti-social behaviour order has been made ;”.

5.—(1) At the end of regulation 3(2)(h) omit “and”.

(2) In regulation 3(2)(i) for “the making or extension of a closure order, and appeals against such an order” substitute “closure orders;”.

(3) After regulation 3(2)(i) insert—

“(j) proceedings under sections 20, 22, 26 and 28 of the Anti-Social Behaviour Act 2003(a) relating to parenting orders in cases of exclusion from school and parenting orders in respect of criminal conduct and anti-social behaviour;

(k) proceedings under sections 97, 100 and 101 of the Sexual Offences Act 2003(b) relating to notification orders and interim notification orders;

(l) proceedings under sections 104, 108, 109 and 110 of the Sexual Offences Act 2003 relating to sexual offences prevention orders and interim sexual offences prevention orders;

(m) proceedings under sections 114, 118 and 119 of the Sexual Offences Act 2003 relating to foreign travel orders;

(n) proceedings under sections 123, 125, 126 and 127 of the Sexual Offences Act 2003 relating to risk of sexual harm orders and interim risk of sexual harm orders;

(o) proceedings under Part 1A of Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000(c) relating to parenting orders for failure to comply with orders under section 20 of that Act; and”.

6. After regulation 3(2)(o) insert—

“(p) proceedings under section 5A of the Protection from Harassment Act 1997 relating to restraining orders on acquittal.”.

Amendments to regulation 5 of the 2001 Regulations (advice and assistance – financial eligibility)

7. In regulation 5—

(a) in paragraph (3), for “£192” substitute “£194”;

(b) in paragraph (5), for “£91” substitute “£92”.

Signed by authority of the Secretary of State

9th October 2005

Bridget Prentice
Parliamentary Under Secretary of State
Department for Constitutional Affairs

(a) 2003 c 38.

(b) 2003 c.42.

(c) 2000 c.6; Part 1A of Schedule 1 was inserted by the Criminal Justice Act 2003 (c.44), section 324 and Schedule 34, paragraph 6.

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) so as to include the proceedings specified in these Regulations as criminal proceedings for the purposes of the Criminal Defence Service. The specified proceedings are ones relating to—

certain intervention orders under sections 1G and 1H of the Crime and Disorder Act 1998;

certain parenting orders under sections 20, 22, 26 and 28 of the Anti-Social Behaviour Act 2003 and Part 1A of Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000;

notification orders, sexual offences prevention orders and risk of sexual harm orders (and interim orders in each case) and foreign travel orders under sections 97, 100, 101, 104, 108, 109, 110, 114, 118, 119, 123, 125, 126 and 127 of the Sexual Offences Act 2003, and

restraining orders on acquittal under section 5A of the Protection from Harassment Act 1997.

The Regulations also provide for an increase in the financial eligibility limits for advice and assistance.

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