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STATUTORY INSTRUMENTS

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**2013 No. 2790**

**The Criminal Legal Aid (General)  
(Amendment) Regulations 2013**

**PART 1**

**GENERAL AND AMENDMENTS**

**Amendments to the General Regulations**

- 4.—(1) Regulation 12 (prescribed conditions) of the General Regulations is amended as follows.
- (2) For paragraph (2)(d), substitute—
- “(d) require advice and assistance regarding—
- (i) the application of the provisions in Chapter 6 of Part 12 of the Criminal Justice Act 2003<sup>(1)</sup> or in Chapter 2 of Part 2 of the Crime (Sentences) Act 1997<sup>(2)</sup>, which determine when a prisoner is either entitled to be released by the Secretary of State or eligible for consideration by the Parole Board<sup>(3)</sup> for a direction to be released; or
- (ii) the application of the provisions in Chapter 2 of Part 5 of the Powers of Criminal Courts (Sentencing) Act 2000<sup>(4)</sup>, which determine when an offender is entitled to be released by the Secretary of State;”.
- (3) For paragraph (2)(f) substitute—
- “(f) require advice and assistance regarding a disciplinary hearing in a prison or young offender institution where—
- (i) the proceedings involve the determination of a criminal charge for the purposes of Article 6(1) of the European Convention on Human Rights; or
- (ii) the governor has exercised the governor’s discretion to allow advice and assistance in relation to the hearing;”
- (4) In paragraph (2)(g) after “Parole Board”, insert “where the Parole Board has the power to direct that individual’s release”.
- (5) Omit paragraph (2)(h).
- (6) For paragraph (3), substitute—
- “(3) In this regulation—
- (a) “governor” includes—
- (i) a director approved by the Secretary of State for the purposes of section 85(1)(a) of the Criminal Justice Act 1991<sup>(5)</sup> (“the 1991 Act”); and

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(1) 2003 c. 44.

(2) 1997 c. 43.

(3) The Parole Board is constituted under section 239 of the Criminal Justice Act 2003 (c. 44).

(4) 2000 c. 6.

(5) 1991 c. 53. Section 85 has been amended but the amendments are not relevant to these Regulations.

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**Status:** This is the original version (as it was originally made).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

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- (ii) a controller appointed by the Secretary of State under section 85(1)(b) of the 1991 Act,  
where the Secretary of State has entered into a contract for the running of a prison under section 84 of the 1991 Act<sup>(6)</sup>; and
- (b) “volunteer” means an individual who, for the purposes of assisting with an investigation, without having been arrested—
  - (i) attends voluntarily at a police station, customs office or any other place where a constable is present; or
  - (ii) accompanies a constable to a police station, customs office or any other such place.”.

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(6) Section 84 was substituted by section 96 of the Criminal Justice and Public Order Act 1994 (c. 33).