
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Legal Aid (Financial Resources) Regulations 2013 (“the 2013 Regulations”), which make provision in relation to the circumstances in which an individual’s financial resources are such that they are eligible for criminal legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10) (“the Act”).

The Criminal Legal Aid (General) (Amendment) Regulations 2013 (S.I. 2013/2790) provide that criminal legal aid is no longer available for cases in which a prisoner wishes to challenge their treatment in prison. Regulation 5 of these Regulations makes consequential change to the means test for this category of work to remove the reference to such cases. The amendment made by regulation 5 does not apply to cases in which an application for advocacy assistance is made prior to 2nd December 2013.

Regulations 6 to 12 make consequential amendments and minor corrections to the 2013 Regulations. Regulation 13 inserts a new Part to the 2013 Regulations (Part 4), setting out new financial eligibility criteria for individuals who apply for legally aided representation in Crown Court proceedings. In particular, new Part 4 provides that an individual with a disposable annual income of £37,500 or more will not be eligible for legal aid, subject to any review of such a determination under new regulation 37.

A full impact assessment of the effect of the policy implemented by this instrument on the costs of business and the voluntary sector was produced with the Government’s response to consultation, *Transforming Legal Aid: Next Steps* and is available at <https://consult.justice.gov.uk/>.