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STATUTORY INSTRUMENTS

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**2013 No. 483**

**The Criminal Legal Aid (Contribution Orders) Regulations 2013**

**PART 1**

**Interpretation and General**

**Citation and commencement**

1. These Regulations may be cited as the Criminal Legal Aid (Contribution Orders) Regulations 2013 and come into force on 1st April 2013.

**Interpretation**

2. In these Regulations—

“the Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012;

“capital” includes specified and unspecified capital;

“capital contribution order” means a contribution order in relation to capital;

“contribution order” means a document which records a determination by the Director under these Regulations;

“cost of representation” means the cost of representation of an individual calculated in accordance with regulation 25 (assessment of the cost of representation on the conclusion of the proceedings);

“date of the conclusion of the proceedings” means the date on which—

- (a) an individual is sentenced or otherwise dealt with for any offence following conviction in the Crown Court;
- (b) an individual is acquitted of any offence in the Crown Court; or
- (c) the determination under section 16 of the Act (representation for criminal proceedings) that an individual qualifies for representation for the purposes of the criminal proceedings to which Part 2 applies is withdrawn;

“disposable annual income” means the disposable income of an individual calculated in accordance with regulation 11 (calculation of disposable annual income);

“disposable specified capital” means the disposable specified capital of an individual calculated in accordance with regulation 28 (calculation of disposable specified capital);

“gross annual income” means the gross income of an individual calculated in accordance with regulation 10(2) (calculation of gross annual income) and before any adjustment made under regulation 10(1)(b);

“income contribution order” means a contribution order in relation to income;

“overdue” means any amount which is unpaid on the day after the date the payment is required to be made by the individual;

“partner” means—

- (a) an individual's spouse or civil partner, from whom the individual is not separated due to a breakdown in the relationship which is likely to be permanent;
- (b) a person with whom an individual lives as a couple; or
- (c) a person with whom an individual ordinarily lives as a couple, from whom the individual is not separated due to a breakdown in the relationship which is likely to be permanent;

“period of calculation” means the period of one year ending on the date on which the application for a determination under section 16 of the Act is made;

“recoverable costs of representation” means—

- (a) except where regulation 26 (assessment by the court of proportion of the cost of representation) applies, the cost of representation; or
- (b) where regulation 26 applies, the proportion of the cost of representation specified in the order of the court;

“relevant outstanding amount” means—

- (a) where a determination under regulation 12 (determination by the Director of liability to make a payment out of income), 13 (determination by the Director of liability to make a payment out of income: income evidence sanction) or 19(3) (determination by the Director of liability to make a payment following reassessment of income) has been made that an individual is liable to make a payment, the amount of any payment or payments under the income contribution order which—
  - (i) were required to be made on or before the date of the conclusion of the proceedings; and
  - (ii) are overdue; and
- (b) where a determination under regulation 19(2) or 23 (determination by the Director of liability to make an additional payment following reassessment of income) has been made that an individual is liable to make a payment, the amount of any such payment which is unpaid;

“specified capital” means—

- (a) any interest in real property;
- (b) money in a bank or building society account;
- (c) money in a National Savings Bank account;
- (d) national savings certificates;
- (e) Premium Savings Bonds;
- (f) property in an account to which the Individual Savings Account Regulations 1998(1) apply;
- (g) property in a personal equity plan;
- (h) property in a unit trust scheme;
- (i) any other lump sum investment; and
- (j) shares and stock; and

“unspecified capital” means capital which is not specified capital.

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(1) [S.I. 1998/1870](#), to which there are amendments not relevant to these Regulations.

### **Delegation**

3. A function of the Lord Chancellor or the Director under these Regulations may be exercised by, or by an employee of, a person authorised for that purpose by the Lord Chancellor or the Director respectively(2).

### **Resources to be treated as the individual's resources**

4.—(1) Where an individual has a partner—

- (a) in calculating the financial resources of the individual, the Director must treat the financial resources of the partner as the individual's financial resources; and
- (b) any reference in these Regulations to the financial resources, financial circumstances, income or capital of the individual includes a reference to the financial resources, financial circumstances, income or capital of the individual's partner,

unless the partner has a contrary interest in the proceedings.

(2) Where it appears to the Director that—

- (a) another person is or has been substantially maintaining the individual or the individual's partner; or
- (b) any of the financial resources of another person have been made available to the individual or the individual's partner,

the Director may assess or estimate the value of the maintenance or the financial resources made available and may treat such amounts as the financial resources of the individual.

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(2) Section 6 of the Act (authorisations) makes provision for authorisations given for the purposes of section 5 of the Act (delegation) or regulations under that section.