

2013 No. 621

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Legal Aid, Sentencing and Punishment of Offenders Act
2012 (Consequential, Transitional and Saving Provisions)
(Amendment) Regulations 2013**

<i>Made</i> - - - -	<i>14th March 2013</i>
<i>Laid before Parliament</i>	<i>15th March 2013</i>
<i>Coming into force</i> - -	<i>1st April 2013</i>

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by section 149 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a).

Citation, commencement and interpretation

1. These Regulations may be cited as the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) (Amendment) Regulations 2013 and come into force on 1st April 2013.

2. In these Regulations, “the 2013 Regulations” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013(b).

Amendment of the 2013 Regulations

3. After regulation 9 of the 2013 Regulations, insert—

“Costs

9A.—(1) This regulation applies if a legally aided party has received in a pre-commencement case funded services made available under the Community Legal Service in connection with relevant proceedings.

(2) Where this regulation applies, the Civil Legal Aid (Costs) Regulations 2013(c) must be applied with the following modifications—

- (a) in regulation 7 (cost protection in relation to legal help, help with family mediation or family help (lower)), the references to legal help and family help (lower) include the following levels of service—
 - (i) Legal Help; and
 - (ii) Family Help (Lower);

(a) 2012 c. 10.
(b) S.I. 2013/534.
(c) S.I. 2013/611.

- (b) in regulation 8(1) (periods during which cost protection applies), the reference to civil legal services includes funded services (other than Help at Court) made available under the Community Legal Service; and
- (c) in regulation 10(4) (costs order against the Lord Chancellor), the references to civil legal services include funded services made available under the Community Legal Service.

(3) In paragraph (1), “legally aided party” and “relevant proceedings” have the same meaning as in the Civil Legal Aid (Costs) Regulations 2013.”.

4. After paragraph 25 of Schedule 2 to the 2013 Regulations, insert—

“Amendment of the Damages-Based Agreements Regulations 2013

26. In regulation 5(2)(c)(i) of the Damages-Based Agreements Regulations 2013(a) (information required to be given before an agreement is made in an employment matter), for “the Community Legal Service” substitute “arrangements made for the purposes of Part 1 (legal aid) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.”.

Signed by authority of the Lord Chancellor

14th March 2013

McNally
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) (Amendment) Regulations 2013 amend the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013 (S.I. 2013/534) (“the 2013 Regulations”). The amendments come into force on the same day that the 2013 Regulations come into force, 1st April 2013.

Regulation 3 makes transitional provision in relation to the application of the Civil Legal Aid (Costs) Regulations 2013 (S.I. 2013/611) in respect of the application of cost protection where a party receives certain funded services under the Access to Justice Act 1999 (c. 22) (“the 1999 Act”) and goes on to receive legal aid under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) in connection with the same proceedings. In such a case, regulation 3 also makes provision to enable funded services under the 1999 Act to be taken into account for the purpose of determining costs payable by the Lord Chancellor to a non-legally aided party.

Regulation 4 makes a consequential amendment to the Damages-Based Agreements Regulations 2013 (S.I. 2013/609).

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