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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 22 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the Act”) provides that the relevant authority (in practice, the Director of Legal Aid Casework) may make an information request to the Secretary of State, a relevant Northern Ireland Department (defined in section 22(8) of the Act as the Department for Social Development in Northern Ireland or the Department of Finance and Personnel in Northern Ireland) or the Commissioners for Her Majesty’s Revenue and Customs (“the Commissioners”) for the purposes of facilitating a determination about an individual’s financial resources for the purpose of legal aid available under Part 1 of the Act.

Section 22(3) of the Act sets out the information that may be requested from the Secretary of State or a relevant Northern Ireland Department and section 22(4) of the Act sets out the information that may be requested from the Commissioners. Regulations 3 and 4 prescribe additional information that may be requested from a relevant Northern Ireland Department and the Commissioners.

Section 22(3)(e) and (4)(g) of the Act provide that the relevant authority may request information about the benefit status of an individual. Regulations 5, 6 and 7, and the Schedule specify the particular benefits in relation to which an individual’s benefit status may be requested.

Regulation 8 prescribes cases in which an individual’s benefit status includes the amount of a prescribed benefit an individual is receiving, and where the benefit consists of a number of elements, what those elements are and how much the individual is receiving in respect of each element of the benefit.