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STATUTORY INSTRUMENTS

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**2013 No. 9**

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

**PART 3**

**Criminal proceedings**

**Criminal proceedings**

**9.** The following proceedings are criminal proceedings for the purposes of section 14(h) of the Act (criminal proceedings)—

- (a) civil proceedings in a magistrates' court arising from a failure to pay a sum due or to obey an order of that court where such failure carries the risk of imprisonment;
- (b) proceedings under sections 14B, 14D, 14G, 14H, 21B and 21D of the Football Spectators Act 1989<sup>(1)</sup> in relation to banning orders and references to a court;
- (c) proceedings under section 5A of the Protection from Harassment Act 1997<sup>(2)</sup> in relation to restraining orders on acquittal;
- <sup>F1</sup>(d) .....
- <sup>F1</sup>(e) .....
- <sup>F2</sup>(f) proceedings in relation to parenting orders made under section 8(1)(b) of the Crime and Disorder Act 1998 where an order under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014 or a sexual harm prevention order under section 103A of the Sexual Offences Act 2003 is made;]
- (g) proceedings under section 8(1)(c) of the Crime and Disorder Act 1998<sup>(3)</sup> in relation to parenting orders made on the conviction of a child;
- (h) proceedings under section 9(5) of the Crime and Disorder Act 1998 to discharge or vary a parenting order made as set out in sub-paragraph (f) or (g);
- (i) proceedings under section 10 of the Crime and Disorder Act 1998<sup>(4)</sup> in relation to an appeal against a parenting order made as set out in sub-paragraph (f) or (g);

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(1) 1989 c. 37. Sections 14B, 14D, 14G and 14H were inserted by section 1 of, and paragraphs 1 and 2 of Schedule 1 to, the Football (Disorder) Act 2000 (c. 25). Section 14B was amended by section 52(2) of, and paragraphs 1 and 4 of Schedule 3 to, the Violent Crime Reduction Act 2006 (c. 38). Sections 21B and 21D were inserted by section 1 of, and paragraphs 1 and 4 of Schedule 1 to, the Football (Disorder) Act 2000. Section 21B was amended by section 12 of, and paragraphs 3 and 4 of the Schedule to, the Identity Documents Act 2010 (c. 40) and section 52(2) of, and paragraphs 1 and 4 of Part 1 of Schedule 3 to, the Violent Crime Reduction Act 2006 (c. 38).

(2) 1997 c. 40. Section 5A was inserted by section 12(5) of the Domestic Violence, Crime and Victims Act 2004 (c. 28).

(3) Section 8(1)(c) will be amended by section 41(1) and (2) of the Crime and Security Act 2010 (c. 17) at a date to be appointed.

(4) Section 10 was amended by section 15 of, and paragraphs 276 and 277 of Part 1 of Schedule 4 to, the Constitutional Reform Act 2005 (c. 4) and article 9 of S.I. 2009/871. Section 10 will also be amended by section 40(1) and (5) of the Crime and Security Act 2010 (c. 17) at a date to be appointed.

*Status: Point in time view as at 24/03/2015.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Criminal Legal Aid (General) Regulations 2013. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

- (j) proceedings under Part 1A of Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000<sup>(5)</sup> in relation to parenting orders for failure to comply with orders under section 20 of that Act;
- [<sup>F3</sup>(ja) proceedings in a youth court (or on appeal from such a court) in relation to the breach or potential breach of a provision of an injunction under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 where the person who is subject to the injunction is aged under 14;]
- [<sup>F4</sup>(k) proceedings under sections 80, 82, 83 and 84 of the Anti-social Behaviour, Crime and Policing Act 2014 in relation to closure orders made under section 80(5)(a) of that Act where a person has engaged in, or is likely to engage in behaviour that constitutes a criminal offence on the premises;]
- (l) proceedings under sections 20, 22, 26 and 28 of the Anti-social Behaviour Act 2003<sup>(6)</sup> in relation to parenting orders—
  - (i) in cases of exclusion from school; or
  - (ii) in respect of criminal conduct and anti-social behaviour;
- (m) proceedings under sections 97, 100 and 101 of the Sexual Offences Act 2003<sup>(7)</sup> in relation to notification orders and interim notification orders;
- [<sup>F5</sup>(n) proceedings under sections 103A, 103E, 103F and 103H of the Sexual Offences Act 2003 in relation to sexual harm prevention orders;]
- <sup>F6</sup>(o) .....
- [<sup>F7</sup>(p) proceedings under sections 122A, 122D, 122E and 122G of the Sexual Offences Act 2003 in relation to sexual risk orders;]
- <sup>F8</sup>(q) .....
- (r) proceedings under section 13 of the Tribunals, Courts and Enforcement Act 2007<sup>(8)</sup> on appeal against a decision of the Upper Tribunal in proceedings in respect of—
  - (i) a decision of the [<sup>F9</sup>Financial Conduct Authority];
  - [<sup>F10</sup>(ia) a decision of the Prudential Regulation Authority;]
  - (ii) a decision of the Bank of England; or
  - (iii) a decision of a person in relation to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008<sup>(9)</sup> or the Banking Act 2009<sup>(10)</sup>;
- (s) proceedings before the Crown Court or the Court of Appeal in relation to serious crime prevention orders under sections 19, 20, 21 and 24 of the Serious Crime Act 2007<sup>(11)</sup>;
- (t) proceedings under sections 100, 101, 103, 104 and 106 of the Criminal Justice and Immigration Act 2008<sup>(12)</sup> in relation to violent offender orders and interim violent offender orders;

(5) 2000 c. 6. Part 1A was inserted by section 324 of, and paragraph 6 of Schedule 34 to, the Criminal Justice Act 2003 (c. 44) and amended by article 2 of and paragraph 81(b) of the Schedule to S.I. 2005/886.

(6) Section 20 was amended by section 98 of the Education and Inspections Act 2006 (c. 40) and article 5(1) of and paragraph 52 of Part 2 of Schedule 2 to S.I. 2010/1158. Section 26 was amended by section 52 of and paragraph 54 of Schedule 14 to the Police and Justice Act 2006 (c. 48) in relation to England only. Section 28 was amended by section 52 of and paragraph 56 of Schedule 14 to the Police and Justice Act 2006 (c. 48) in relation to England only.

(7) 2003 c. 42.

(8) 2007 c. 15.

(9) 2008 c. 2.

(10) 2009 c. 1.

(11) 2007 c. 27.

(12) 2008 c. 4.

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- (u) proceedings under sections 26, 27 and 29 of the Crime and Security Act 2010(13) in relation to—
  - (i) domestic violence protection notices; or
  - (ii) domestic violence protection orders; and
- (v) any other proceedings that involve the determination of a criminal charge for the purposes of Article 6(1) of the European Convention on Human Rights.

#### Textual Amendments

- F1** Reg. 9(d)(e) omitted (23.3.2015) by virtue of [The Criminal Legal Aid \(General\) \(Amendment\) Regulations 2015 \(S.I. 2015/326\)](#), regs. 1(1), **2(2)** (with reg. 3)
- F2** Reg. 9(f) substituted (23.3.2015) by [The Criminal Legal Aid \(General\) \(Amendment\) Regulations 2015 \(S.I. 2015/326\)](#), regs. 1(1), **2(3)** (with reg. 3)
- F3** Reg. 9(ja) inserted (24.3.2015) by [The Legal Aid, Community Legal Service and Criminal Defence Service \(Amendment\) Regulations 2015 \(S.I. 2015/838\)](#), regs. 1(2), **7**
- F4** Reg. 9(k) substituted (23.3.2015) by [The Criminal Legal Aid \(General\) \(Amendment\) Regulations 2015 \(S.I. 2015/326\)](#), regs. 1(1), **2(4)** (with reg. 3)
- F5** Reg. 9(n) substituted (23.3.2015) by [The Criminal Legal Aid \(General\) \(Amendment\) Regulations 2015 \(S.I. 2015/326\)](#), regs. 1(1), **2(5)** (with reg. 3)
- F6** Reg. 9(o) omitted (23.3.2015) by virtue of [The Criminal Legal Aid \(General\) \(Amendment\) Regulations 2015 \(S.I. 2015/326\)](#), regs. 1(1), **2(6)** (with reg. 3)
- F7** Reg. 9(p) substituted (23.3.2015) by [The Criminal Legal Aid \(General\) \(Amendment\) Regulations 2015 \(S.I. 2015/326\)](#), regs. 1(1), **2(7)** (with reg. 3)
- F8** Reg. 9(q) omitted (23.3.2015) by virtue of [The Criminal Legal Aid \(General\) \(Amendment\) Regulations 2015 \(S.I. 2015/326\)](#), regs. 1(1), **2(8)** (with reg. 3)
- F9** Words in reg. 9(r) substituted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), **Sch. 2 para. 249(a)**
- F10** Reg. 9(r)(ia) inserted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments and Transitional Provisions\) Order 2013 \(S.I. 2013/472\)](#), **Sch. 2 para. 249(b)**

#### Commencement Information

- I1** Reg. 9 in force at 1.4.2013, see [reg. 1](#)

#### Criminal proceedings: specified individual

**10.** An individual who is or may be brought before a court or tribunal in proceedings specified in regulation 9 is a specified individual for the purposes of section 16(6) of the Act (representation for criminal proceedings).

#### Commencement Information

- I2** Reg. 10 in force at 1.4.2013, see [reg. 1](#)

**Status:**

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