
STATUTORY INSTRUMENTS

2013 No. 9

The Criminal Legal Aid (General) Regulations 2013

PART 5

Representation for criminal proceedings

Appeal: magistrates' court

29.—(1) In relation to a determination by the Director under section 16 of the Act that the interests of justice do not require, or no longer require, representation to be made available before the magistrates' court, the appeal lies to the magistrates' court.

(2) The court must either—

- (a) affirm the determination; or
- (b) decide that the interests of justice require representation to be made available, or to continue to be made available, to an individual for the purposes of criminal proceedings.

(3) Where the court makes a decision under paragraph (2)(b), the individual may apply to the Director for a determination.

(4) Where an individual applies to the Director under paragraph (3)—

- (a) if the individual states in writing, verified by a statement of truth, that the individual's financial resources have not changed since the date of the individual's original application for a determination, so as to make the individual financially ineligible for representation under section 21 of the Act (financial resources) and regulations made under that section, the Director must make a determination that the individual qualifies for representation; or
- (b) if the individual's financial resources may have so changed since the date of the individual's original application, the Director—

- (i) must determine whether the individual qualifies for representation in accordance with section 21 of the Act and regulations made under that section; and
- (ii) if the individual does so qualify, must make the determination accordingly.

(5) In this regulation—

“magistrates' court” means the magistrates' court in which the proceedings in respect of which an individual is seeking a determination under section 16 of the Act are taking place, or are to take place, and includes a single justice and a District Judge (magistrates' court); and

“statement of truth” means a declaration provided in accordance with regulations made under section 21 of the Act (financial resources).