
STATUTORY INSTRUMENTS

2015 No. 868

The Restraint Orders (Legal Aid Exception and Relevant Legal Aid Payments) Regulations 2015

PART 3

Relevant legal aid payments: continuation of restraint

Application of modifications of the 2002 Act in relation to restraint orders and relevant legal aid payments

4.—(1) Regulation 5 (which modifies Part 2 of the 2002 Act) has effect in relation to cases where all of the following conditions are satisfied.

(2) The first condition is that a restraint order has been made and contains a legal aid exception.

(3) The second condition is that, after that restraint order was made but before its discharge—

(a) a confiscation order was made against the person specified in the restraint order (“the specified person”), and

(b) that confiscation order has been discharged or satisfied.

(4) The third condition is that the restraint order and the confiscation order were both made in proceedings that were entirely or partly for the same offence (“the relevant offence”).

(5) The fourth condition is that, when the confiscation order was discharged or satisfied—

(a) the person specified in the restraint order was under an obligation to make a relevant legal aid payment in connection with services provided entirely or partly in relation to the relevant offence, and

(b) there was realisable property to which the restraint order applied.

(6) In regulation 5, the references to an obligation to make a relevant legal aid payment in connection with services provided in relation to the relevant offence are to any such obligation, whether it arises before or after the confiscation order was discharged or satisfied.