

2022 No. 1035

LEGAL AID AND ADVICE, ENGLAND AND WALES

**The Criminal Legal Aid (Remuneration) (Amendment)
(Amendment) (No. 2) Regulations 2022**

Made - - - - at 1.00 p.m. on 11th October 2022

Laid before Parliament at 4.30 p.m. on 11th October 2022

Coming into force - - 31st October 2022

The Lord Chancellor makes these Regulations in exercise of the powers conferred by sections 2(3) and 41(1)(a) and (b), (2)(a) and (b) and (3)(c) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(a).

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Criminal Legal Aid (Remuneration) (Amendment) (Amendment) (No. 2) Regulations 2022 and come into force on 31st October 2022.

(2) These Regulations extend to England and Wales.

Amendments to the 2022 Regulations

2.—(1) For regulation 3 (transitional provisions) of the Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022(b), substitute—

“**3.**—(1) These Regulations apply to matters where a relevant determination is made on or after 30th September 2022.

(2) These Regulations apply, insofar as they amend Schedules 1 and 2 to the Remuneration Regulations where—

- (a) a relevant determination is made on or after 17th September 2020 but before 30th September 2022,
- (b) the main hearing takes place on or after 31st October 2022, and
- (c) fees fall to be determined under Schedule 1 to the Remuneration Regulations, Schedule 2 to those Regulations, or both.

(3) In this regulation—

- (a) “relevant determination” means a determination made under section 13 (advice and assistance for individuals in custody), section 15 (advice and assistance for criminal proceedings) or section 16 (representation for criminal proceedings) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012;

(a) 2012 c. 10.

(b) S.I. 2022/848, to which there are amendments not relevant to this instrument.

- (b) “main hearing” has the meaning given in paragraph 2(1) of the Remuneration Regulations.”.

Gareth Johnson
Parliamentary Under-Secretary of State
Ministry of Justice

At 1.00 p.m. on 11th October 2022

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022 (S.I. 2022/848) (“the 2022 Regulations”). The 2022 Regulations amended the Criminal Legal Aid (Remuneration) Regulations 2013 (S.I. 2013/435) (“the Remuneration Regulations”) which make provision for the remuneration of advice, assistance and representation made available under sections 13, 15 and 16 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).

The 2022 Regulations amended Schedules 1 to 6 to the Remuneration Regulations to provide an increase to various fees within the Remuneration Regulations.

These Regulations amend the 2022 Regulations so that the increases to certain fees within the Advocates’ Graduated Fee Scheme and the Litigators’ Graduated Fee Scheme made by the 2022 Regulations will apply to a wider range of cases. The increase will now apply not only to cases where a relevant determination was made on or after 30th September 2022, but also to any case where a relevant determination was made on or after 17th September 2020 but before 30th September 2022 and a main hearing takes place on or after 31st October 2022.

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