
STATUTORY INSTRUMENTS

2022 No. 1267

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

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2022 and come into force on 23rd December 2022.

(2) These Regulations extend to England and Wales.

Interpretation

2. In these Regulations—

“the Remuneration Regulations” means the Criminal Legal Aid (Remuneration) Regulations 2013(1);

“the 2022 Regulations” means the Criminal Legal Aid (Remuneration) (Amendment) Regulations 2022(2);

“Condition A” is where a relevant determination is made on or after 31st December 2018 but before 17th September 2020 and where the main hearing takes place on or after 23rd December 2022;

“Condition B” is where a relevant determination is made on or after 1st April 2016 but before 1st April 2018 and where the main hearing takes place on or after 23rd December 2022;

“Condition C” is where a relevant determination is made on or after 1st April 2018 but before 17th September 2020 and where the main hearing takes place on or after 23rd December 2022;

“Relevant Version 1” means Schedule 1 to the Remuneration Regulations as it had effect immediately after the Criminal Legal Aid (Remuneration) (Amendment) (No. 2) Regulations 2018(3) came into force;

“Relevant Version 2” means Schedule 2 to the Remuneration Regulations as it had effect immediately after the Criminal Legal Aid (Remuneration) (Amendment) Regulations 2016(4) came into force;

“Relevant Version 3” means Schedule 2 to the Remuneration Regulations as it had effect immediately after the Criminal Legal Aid (Remuneration) (Amendment) Regulations 2018(5) came into force;

“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;

(1) S.I. 2013/435 as amended by S.I. 2013/2803, S.I. 2014/2422, S.I. 2015/325, S.I. 2015/1369, S.I. 2015/1678, S.I. 2016/313, S.I. 2017/311, S.I. 2017/1019, S.I. 2018/220, S.I. 2018/1323, S.I. 2020/903, S.I. 2022/848, S.I. 2022/1010 and S.I. 2022/1035.
(2) S.I. 2022/848, as amended by S.I. 2022/1010 and S.I. 2022/1035
(3) S.I. 2018/1323.
(4) S.I. 2016/313.
(5) S.I. 2018/220.

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

Amendments in respect of the Advocates’ Graduated Fee Scheme

- 3.—(1) In respect of a relevant determination falling under Condition A—
- (a) the amendments to Schedule 1 to the Remuneration Regulations as set out in the 2022 Regulations; and
 - (b) the amendments to Schedule 1 to the Remuneration Regulations made by the Schedule to these Regulations;

apply to Relevant Version 1, subject to paragraph (2).

(2) For the purposes of paragraph (1), the amendments to Schedule 1 to the Remuneration Regulations made by paragraphs 5 and 9 of Schedule 1 to the 2022 Regulations do not apply.

Amendments to Relevant Version 2 in respect of the Litigators’ Graduated Fee Scheme

4.—(1) In respect of a relevant determination falling under Condition B, the amendments to Schedule 2 to the Remuneration Regulations as set out in the 2022 Regulations apply to Relevant Version 2, subject to paragraph (2).

(2) For the purpose of paragraph (1), the amendments to Schedule 2 to the Remuneration Regulations made by paragraph 15 of Schedule 2 to the 2022 Regulations do not apply.

Amendments to Relevant Version 3 in respect of the Litigators’ Graduated Fee Scheme

5.—(1) In respect of a relevant determination falling under Condition C, the amendments to Schedule 2 to the Remuneration Regulations as set out in the 2022 Regulations apply to Relevant Version 3, subject to paragraph (2).

(2) For the purpose of paragraph (1), the amendments to Schedule 2 to the Remuneration Regulations made by paragraph 15 of Schedule 2 to the 2022 Regulations do not apply.

1st December 2022

Mike Freer
Parliamentary Under-Secretary of State
Ministry of Justice