

**2022 No. 995**

**LEGAL AID AND ADVICE, ENGLAND AND WALES**

**The Criminal Legal Aid (Standard Crime Contract)  
(Amendment) Regulations 2022**

<i>Made</i> - - - -	<i>23rd September 2022</i>
<i>Laid before Parliament</i>	<i>27th September 2022</i>
<i>Coming into force</i> - -	<i>1st October 2022</i>

The Lord Chancellor makes the following Regulations(a) in exercise of the powers conferred by sections 2(3), 13(4) and (5), 15(5) to (7) and (9), 21(2), and 41(2) and (3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(b).

**Citation, commencement and extent**

1. These Regulations may be cited as the Criminal Legal Aid (Standard Crime Contract) (Amendment) Regulations 2022 and come into force on 1st October 2022.
2. These Regulations extend to England and Wales.

**Amendments to the Criminal Legal Aid (General) Regulations 2013**

- 3.—(1) The Criminal Legal Aid (General) Regulations 2013(c) are amended as follows.  
(2) In each of the following places, for “2017 Standard Crime Contract”, substitute “2022 Standard Crime Contract”—
  - (a) regulation 2 (interpretation), in both places it occurs;
  - (b) regulation 8(b) (applications);
  - (c) regulation 11(3) (general);
  - (d) regulation 14 (applications), in both places it occurs;
  - (e) regulation 15(1)(b) (determinations);
  - (f) regulation 16(e)(ii) (withdrawal); and
  - (g) regulation 17(b) (appeal).

**Amendments to the Criminal Legal Aid (Remuneration) Regulations 2013**

- 4.—(1) The Criminal Legal Aid (Remuneration) Regulations 2013(d) are amended as follows.

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(a) Section 42(1) of the Legal Aid Sentencing and Punishment of Offenders Act 2012 (c. 10) provides that in Part 1 of that Act “regulations” means regulations made by the Lord Chancellor.  
(b) 2012 c. 10.  
(c) S.I. 2013/9, amended by S.I. 2013/2790 and S.I. 2017/3111; there are other amending instruments, but none is relevant.  
(d) S.I. 2013/435, amended by S.I. 2013/2803, 2015/325, 2015/1416, 2016/313 and 2017/3111; there are other amending instruments, but none is relevant.

(2) In regulation 8 (claims for fees for certain categories of work to which the Standard Crime Contract applies), in both places it occurs, for “2017 Standard Crime Contract”, substitute “2022 Standard Crime Contract”.

(3) In paragraph 1(a) and 2(8) of Schedule 4 (rates payable for the claims specified in regulation 8), in both places it occurs, for “2017 Standard Crime Contract”, substitute “2022 Standard Crime Contract”.

### **Amendments to the Criminal Legal Aid (Financial Resources) Regulations 2013**

5. In regulation 5(2) (Advice and assistance: exceptions from requirement to make a determination in respect of an individual’s financial resources) of the Criminal Legal Aid (Financial Resources) Regulations 2013(a), for each reference to “2017 Standard Crime Contract”, substitute “2022 Standard Crime Contract”.

### **Transitional provision**

6.—(1) These Regulations apply to services made available pursuant to a determination made before 1st October 2022 only to the extent that Clause 1.28 of the 2022 Standard Crime Contract provides that the terms of that contract apply to those services.

(2) In this regulation “determination” means a determination under section 13 (advice and assistance for individuals in custody), 15 (advice and assistance for criminal proceedings) or 16 (representation for criminal proceedings) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

*Brandon Lewis*  
Lord Chancellor  
Ministry of Justice

23rd September 2022

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Criminal Legal Aid (General) Regulations 2013 (S.I. 2013/9) (“the General Regulations”), the Criminal Legal Aid (Financial Resources) Regulations 2013 (S.I. 2013/417) (“the Financial Regulations”), and the Criminal Legal Aid (Remuneration) Regulations 2013 (S.I. 2013/435) (“the Remuneration Regulations”). The General Regulations and Financial Regulations together prescribe circumstances in which an individual qualifies for criminal legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the Act”). The Remuneration Regulations make provision for the funding and remuneration of services made available under sections 13, 15 and 16 of the Act.

These Regulations amend the General Regulations, the Financial Regulations and the Remuneration Regulations to reflect the replacement of the 2017 Standard Crime Contract with the 2022 Standard Crime Contract on 1st October 2022. The Standard Crime Contract governs the contractual relationship between providers (individual legal professionals) of criminal legal aid services and the Lord Chancellor.

Regulation 6 provides that these Regulations will apply to work done pursuant to determinations for criminal legal aid made on or after 1st October 2022, but also in relation to work done prior to that date where Clause 1.28 of the Standard Crime Contract specifies.

A full impact assessment has not been produced for this instrument as no significant impact on the private or voluntary sectors is foreseen.

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(a) S.I. 2013/471, amended by S.I. 2017/311; there are other amending instruments, but none is relevant.



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