STATUTORY INSTRUMENTS

2018 No. 587

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Criminal Legal Aid (Amendment) Regulations 2018

Made - - - -	*10th May 2018*
Laid before Parliament	*11th May 2018*
Coming into force - -	*12th June 2018*

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by sections 15(1), 21(2) and 41(1) to (3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**1**).

In making these Regulations, in accordance with section 15(3) of that Act, the Lord Chancellor has had regard, in particular, to the interests of justice.

Citation and commencement

1. These Regulations may be cited as the Criminal Legal Aid (Amendment) Regulations 2018 and come into force on 12th June 2018.

Amendments to the Criminal Legal Aid (General) Regulations 2013

2.—(1) Regulation 12 (prescribed conditions)(**2**) of the Criminal Legal Aid (General) Regulations 2013 is amended as follows.

(2) In paragraph (2)(d)(iii), after "Category A Prisoner" insert "or as a Restricted Status Prisoner".

(3) At the end of paragraph (2)(d)(iv), omit "or".

(4) In paragraph (2)(d)(v), after "within a prison;" insert "or".

(5) After paragraph (2)(d)(v), insert—

"(vi) a review of an inmate's classification pursuant to rule 4 (classification of inmates)(**3**) of the Young Offender Institution Rules 2000 as a Category A Inmate or Restricted Status Inmate;".

(**1**) 2012 c. 10. Section 42(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) provides that in Part 1 of the Act "regulations" means regulations made by the Lord Chancellor.
(**2**) S.I. 2013/9, amended by S.I. 2013/2790 and 2017/1319.
(**3**) S.I. 2000/3371, amended by S.I. 2014/2169.

(6) After paragraph (3)(za), insert—

"(zaa) "Category A Inmate" means an inmate whose escape would be highly dangerous to the public, the police or national security, and for whom the aim is to make escape impossible;".

(7) After paragraph (3)(a), insert—

"(aza) "inmate" means a person who is required to be detained in a young offender institution;

(azb) "Restricted Status Inmate" means an inmate whose escape would present a serious risk to the public;

(azc) "Restricted Status Prisoner" means a prisoner whose escape would present a serious risk to the public;".

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

3.—(1) Regulation 7 (advocacy assistance for individuals in prison)(**4**) of the Criminal Legal Aid (Financial Resources) Regulations 2013 is amended as follows.

(2) At the end of paragraph (1)(b), omit "or".

(3) In paragraph (1)(c), after "Category A Prisoner" insert "or as a Restricted Status Prisoner; or".

(4) After paragraph (1)(c), insert

"(d) a review of an inmate's classification pursuant to rule 4 (classification of inmates) of the Young Offender Institution Rules 2000 as a Category A Inmate, or Restricted Status Inmate.".

(5) For paragraph (3), substitute—

"(3) In this regulation—

"Category A Inmate" means an inmate whose escape would be highly dangerous to the public, the police or national security, and for whom the aim is to make escape impossible,

"Category A Prisoner" means a prisoner whose escape would be highly dangerous to the public, the police or national security, and for whom the aim is to make escape impossible,

"inmate" means a person who is required to be detained in a young offender institution,

"Restricted Status Inmate" means an inmate whose escape would present a serious risk to the public, and

"Restricted Status Prisoner" means a prisoner whose escape would present a serious risk to the public.".

Transitional provision

4. The amendments made by these Regulations do not apply to matters in which a determination under section 15 (advice and assistance for criminal proceedings) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 is made before 12th June 2018.

(**4**) S.I. 2013/471, amended by S.I. 2013/2791 and 2017/1319.