STATUTORY INSTRUMENTS

2016 No. 708

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Civil and Criminal Legal Aid (Financial Eligibility and Contributions) (Amendment) Regulations 2016

Made - - - -	*5th July 2016*
Laid before Parliament	*7th July 2016*
Coming into force - -	*28th July 2016*

The Lord Chancellor makes these Regulations in exercise of the powers conferred by sections 7, 17A and 25(8) of, and paragraph 3B of Schedule 3 to, the Access to Justice Act 1999(**1**) and sections 21(2), 23(1), (2) and (6), and 41(1) and (2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**2**).

Citation and commencement

1. These Regulations may be cited as the Civil and Criminal Legal Aid (Financial Eligibility and Contributions) (Amendment) Regulations 2016 and come into force on 28th July 2016.

Amendments to the Community Legal Service (Financial) Regulations 2000

2.—(1) The Community Legal Service (Financial) Regulations 2000(**3**) are amended as follows.

(2) In regulation 4(2) (financial eligibility), in sub-paragraph (e), after "2012" insert "or Part 2 of the Welfare Reform (Northern Ireland) Order 2015(**4**)".

(3) In regulation 19 (calculation of income)—

(a) in paragraph (h), after "(2006)" insert "or by or under the Welsh Independent Living Grant";

(b) in paragraph (j), after "2012" insert "or Part 5 of the Welfare Reform (Northern Ireland) Order 2015", and

(**1**) 1999 c. 22. Section 26 provides that in Part 1 of that Act "regulations" means regulations made by the Lord Chancellor. That Act has been repealed, subject to savings provisions in S.I. 2013/534.
(**2**) 2012 c. 10. Section 42(1) provides that in Part 1of that Act "regulations" mean regulations made by the Lord Chancellor.
(**3**) S.I. 2000/516; relevant amending instruments are: S.I. 2001/3663, 2005/589, 2006/713, 2007/2442, 2008/1879, 2009/1894, 2013/626 and 2013/630. This instrument has been revoked subject to savings provisions in S.I. 2013/534.
(**4**) S.I. 2015/2006 (N.I. 1).

(c) after paragraph (j), insert—

"(k) payments made under Part 2 or 3 of the Social Security (Payments on Account of Benefit) Regulations 2013(**5**) or Part 2 or 3 of the Social Security (Payments on Account of Benefit) Regulations (Northern Ireland) 2016(**6**);

(l) payments made under regulation 17 of the Universal Credit (Transitional Provisions) Regulations 2014(**7**) or regulation 17 of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016(**8**).".

(4) In regulation 33 (calculation of capital)—

(a) at the end of paragraph (a) omit "and";

(b) in paragraph (c), after "Funds" insert "or by or under the Welsh Independent Living Grant", and

(c) after paragraph (c) insert—

"(d) payments made under Part 2 or 3 of the Social Security (Payments on Account of Benefit) Regulations 2013 or Part 2 or 3 of the Social Security (Payments on Account of Benefit) Regulations (Northern Ireland) 2016; and

(e) payments made under regulation 17 of the Universal Credit (Transitional Provisions) Regulations 2014 or regulation 17 of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016.".

Amendments to the Criminal Defence Service (General) (No.2) Regulations 2001

3.—(1) The Criminal Defence Service (General) (No.2) Regulations 2001(**9**) are amended as follows.

(2) In regulation 5 (advice and assistance – financial eligibility)—

(a) in paragraph (8)(g), after "2012" insert "or Part 2 of the Welfare Reform (Northern Ireland) Order 2015", and

(b) in paragraph (9), after "support allowance" insert "or universal credit under Part 1 of the Welfare Reform Act 2012 or Part 2 of the Welfare Reform (Northern Ireland) Order 2015".

(3) In paragraph 8(1) of Schedule 1 (assessment of resources)—

(a) at the end of paragraph (f), after "2012" insert "or Part 5 of the Welfare Reform (Northern Ireland) Order 2015", and

(b) after paragraph (f) insert—

"(g) payments made under Part 2 or 3 of the Social Security (Payments on Account of Benefit) Regulations 2013 or Part 2 or 3 of the Social Security (Payments on Account of Benefit) Regulations (Northern Ireland) 2016; and

(h) payments made under regulation 17 of the Universal Credit (Transitional Provisions) Regulations 2014 or regulation 17 of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016.".

(**5**) S.I. 2013/383, amended by S.I. 2013/1508, 2014/2888, 2015/1754 and 2015/1985.
(**6**) S.R. (NI) 2016 No 223.
(**7**) S.I. 2014/1230, to which there are amendments not relevant to this instrument.
(**8**) S.R. (NI) 2016 No 226.
(**9**) S.I. 2001/1437; relevant amending instruments are: S.I. 2008/1879, 2013/630 and 2013/626. This instrument has been revoked subject to savings provisions in S.I. 2013/534.

Amendments to the Criminal Defence Service (Financial Eligibility) Regulations 2006

4.—(1) The Criminal Defence Service (Financial Eligibility) Regulations 2006(**10**) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of "gross annual income"—

(a) in sub-paragraph (e), after "payments" insert "or payments made by or under the Welsh Independent Living Grant";

(b) at the end of sub-paragraph (g) omit "and";

(c) after sub-paragraph (g)—

(i) omit sub-paragraph (f), and

(ii) insert—

(h) "any personal independence payment paid under Part 4 of the Welfare Reform Act 2012(**11**) or Part 5 of the Welfare Reform (Northern Ireland) Order 2015;

(i) payments made under Part 2 or 3 of the Social Security (Payments on Account of Benefit) Regulations 2013 or Part 2 or 3 of the Social Security (Payments on Account of Benefit) Regulations (Northern Ireland) 2016; and

(j) payments made under regulation 17 of the Universal Credit (Transitional Provisions) Regulations 2014 or regulation 17 of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016.".

(3) In regulation 5(4) (assessment by representation authority), at the end of sub-paragraph (e) insert "or Part 2 of the Welfare Reform (Northern Ireland) Order 2015".

Amendments to the Criminal Defence Service (Contribution Orders) Regulations 2009

5. Regulation 2(1) (interpretation) of the Criminal Defence Service (Contribution Orders) Regulations 2009(**12**) is amended as follows—

(a) in the definition of "gross annual income"—

(i) in sub-paragraph (e) after "payments" insert "or payments made by or under the Welsh Independent Living Grant";

(ii) at the end of sub-paragraph (h) omit "and";

(iii) in sub-paragraph (i), after "2012" insert "or Part 2 of the Welfare Reform (Northern Ireland) Order 2015";

(iv) after sub-paragraph (i) insert—

(j) "payments made under Part 2 or Part 3 of the Social Security (Payments on Account of Benefit) Regulations 2013 or Part 2 or Part 3 of the Social Security (Payments on Account of Benefit) Regulations (Northern Ireland) 2016; and

(k) payments made under regulation 17 of the Universal Credit (Transitional Provisions) Regulations 2014 or regulation 17 of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016;", and

(b) in the definition of "qualifying benefit", in sub-paragraph (e), after "2012" insert "or Part 2 of the Welfare Reform (Northern Ireland) Order 2015".

(**10**) S.I. 2006/2492; relevant amending instruments are: S.I. 2007/2937, 2008/1879, 2013/591, 2013/626 and 2013/630.
(**11**) 2012 c. 12; relevant amending instruments are: S.I. 2013/358, 2013/377, 2013/387 and 2013/1250.
(**12**) S.I. 2009/3328; relevant amending instruments are: S.I. 2013/591, 2013/626 and 2013/630.