STATUTORY INSTRUMENTS

2015 No. 838

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid, Community Legal Service and Criminal Defence Service (Amendment) Regulations 2015

Made - - - - *23rd March 2015*

Laid before Parliament *23rd March 2015*

Coming into force in accordance with regulation 1

The Lord Chancellor makes these Regulations in exercise of the powers conferred by sections 7, 10, 17A, 25(8) and 26 of, and paragraphs 3B and 8(2) of Schedule 3 to, the Access to Justice Act 1999(**1**) and sections 14(h), 21(2) and (3), 22(3)(f), 23(1) and (6) and 41(1) and (2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**2**).

Citation and commencement

1.—(1) These Regulations may be cited as the Legal Aid, Community Legal Service and Criminal Defence Service (Amendment) Regulations 2015.

(2) These Regulations come into force for the purposes of Regulation 7 on 24th March 2015 and for all other purposes on 13th April 2015.

Amendment to the Community Legal Service (Financial) Regulations 2000

2. In the Community Legal Service (Financial) Regulations 2000(**3**)—

(a) in regulation 19, for paragraph (b) substitute—

"(b) any direct payments made under sections 31 to 33 of the Care Act 2014(**4**) (direct payments) or under regulations made under section 17A of the Children

(**1**) 1999 c. 22. Sections 7, 10, 17A, 25(8) and 26, and paragraphs 3B and 8(2) to Schedule 3 were repealed by paragraph 51(a) of Schedule 5 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012, subject to saving and transitional provisions set out in regulations 6 to 13 of S.I. 2013/534. Section 26 provides that "regulations" means regulations made by the Lord Chancellor and "prescribed" means prescribed by regulations.

(**2**) 2012 c. 10. Section 42(1) provides that in Part 1 of that Act "regulations" means regulations made by the Lord Chancellor and "prescribed" means prescribed by regulations (except in Schedule 6).

(**3**) S.I. 2000/516, amended by S.I. 2003/762, 2004/1748, 2007/906 and 2009/1887; there are other amending instruments but none is relevant.

(**4**) 2014 c. 23.

Act 1989(**5**) (direct payments), section 57(1) of the Health and Social Care Act 2001(**6**) (direct payments) or section 49(3) of the Children and Families Act 2014(**7**) (personal budgets and direct payments);";

(b) in regulation 33(b), after "regulations made under" insert "section 49(3) of the Children and Families Act 2014 (personal budgets and direct payments) or".

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

3. In paragraph 8(1)(d) of Schedule 1 to the Criminal Defence Service (General) (No. 2) Regulations 2001(**8**), after "regulations made under" insert "section 17A of the Children Act 1989 (direct payments), section 49(3) of the Children and Families Act 2014 (personal budgets and direct payments) or".

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

4. In the definition of "gross annual income" in regulation 2(1) of the Criminal Defence Service (Financial Eligibility) Regulations 2006(**9**), for paragraph (b) substitute—

"(b) any direct payments made under sections 31 to 33 of the Care Act 2014 (direct payments) or under regulations made under section 17A of the Children Act 1989 (direct payments), section 57(1) of the Health and Social Care Act 2001 (direct payments) or section 49(3) of the Children and Families Act 2014 (personal budgets and direct payments);".

Amendment to the Criminal Defence Service (Information Requests) (Prescribed Benefits) Regulations 2009

5. In the table in regulation 2 of the Criminal Defence Service (Information Requests) (Prescribed Benefits) Regulations 2009(**10**), for the entry—

"Any direct payment	The Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2004(**11**)	

"Any direct payment	Regulations under the Children Act 1989	Section 17A
Any direct payment	The Care Act 2014	Sections 31 to 33
Any direct payment	Regulations under the Children and Families Act 2014	Section 49(3)".

(**5**) 1989 c. 41.
(**6**) 2001 c. 15.
(**7**) 2014 c. 6.
(**8**) S.I. 2001/1437, amended by S.I. 2003/762 and 2004/1748; there are other amending instruments but none is relevant.
(**9**) S.I. 2006/2492, amended by S.I. 2009/1887; there are other amending instruments but none is relevant.
(**10**) S.I. 2009/212, to which there are amendments not relevant to these Regulations.
(**11**) S.I. 2004/1798, revoked by S.I. 2011/831.