STATUTORY INSTRUMENTS

2015 No. 326

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Criminal Legal Aid (General) (Amendment) Regulations 2015

Made - - - -	*12th February 2015*
Laid before Parliament	*23rd February 2015*
Coming into force - -	*23rd March 2015*

The Lord Chancellor makes the following Regulations(**1**) in exercise of the powers conferred by sections 14(h), 41(1) and (3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**2**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Criminal Legal Aid (General) (Amendment) Regulations 2015 and come into force on23rd March 2015.

(2) In these Regulations—

"the 1998 Act" means the Crime and Disorder Act 1998(**3**);

"the 2003 Act" means the Sexual Offences Act 2003(**4**), and

"the General Regulations" means the Criminal Legal Aid (General) Regulations 2013(**5**).

Amendment to Regulation 9 of the General Regulations

2.—(1) Regulation 9 (criminal proceedings) of the General Regulations is amended as follows.

(2) Omit sub-paragraphs (d) and (e).

(3) For sub-paragraph (f) substitute—

(**1**) 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 and that "prescribed" means prescribed by regulations.
(**2**) 2012 c. 10.
(**3**) 1998 c. 37.
(**4**) 2003 c. 42.
(**5**) S.I. 2013/9, to which there are amendments not relevant to these Regulations.

"(f) proceedings in relation to parenting orders made under section 8(1)(b) of the Crime and Disorder Act 1998(**6**) where an order under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014(**7**) or a sexual harm prevention order under section 103A of the Sexual Offences Act 2003(**8**) is made;".

(4) For sub-paragraph (k) substitute—

"(k) proceedings under sections 80, 82, 83 and 84 of the Anti-social Behaviour, Crime and Policing Act 2014 in relation to closure orders made under section 80(5)(a) of that Act where a person has engaged in, or is likely to engage in behaviour that constitutes a criminal offence on the premises;".

(5) For sub-paragraph (n) substitute—

"(n) proceedings under sections 103A, 103E, 103F and 103H of the Sexual Offences Act 2003(**9**) in relation to sexual harm prevention orders;".

(6) Omit sub-paragraph (o).

(7) For sub-paragraph (p) substitute—

"(p) proceedings under sections 122A, 122D, 122E and 122G of the Sexual Offences Act 2003(**10**) in relation to sexual risk orders;".

(8) Omit sub-paragraph (q).

Transitional provision

3.—(1) The amendments made by Regulation 2 do not apply to a determination under 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 for advice and assistance or representation for relevant criminal proceedings.

(2) For the purposes of paragraph (1), "relevant criminal proceedings" means the following criminal proceedings whenever commenced under—

(a) sections 1, 1D and 4 of the 1998 Act(**11**) in relation to anti-social behaviour orders;

(b) sections 1G and 1H of the 1998 Act(**12**) in relation to intervention orders, in which an application for an anti-social behaviour order has been made;

(c) section 8(1)(b) of the 1998 Act in relation to parenting orders made where an anti-social behaviour order or a sex offender order is made in respect of a child;

(d) sections 2, 5 and 6 of the Anti-social Behaviour Act 2003(**13**) in relation to closure orders;

(e) sections 104, 108, 109 and 110 of the 2003 Act(**14**) in relation to sexual offences prevention orders and interim sexual offences prevention orders;

(f) sections 114, 118 and 119 of the 2003 Act(**15**) in relation to foreign travel orders;

(**6**) 1998 c. 37. Section 8(1)(b) has been amended by paragraph 25 of Schedule 11 to the Anti-Social Behaviour, Crime and Policing Act 2014 (c. 12) ("the 2014 Act").
(**7**) 2014 c. 12.
(**8**) 2003 c. 42. Section 103A was inserted by section 113 of, and paragraph 2 of Schedule 5 to, the 2014 Act.
(**9**) Sections 103A, 103E, 103F and 103H were inserted by section 113 of, and paragraphs 1 and 2 of Schedule 5 to, the 2014 Act.
(**10**) Sections 122A, 122D, 122E and 122G were inserted by section 113 of, and paragraphs 1 and 4 of Schedule 5 to, the 2014 Act.
(**11**) Sections 1, 1D and 4 of the Crime and Disorder Act 1998 ("the 1998 Act") were repealed by paragraph 24 of Schedule 11 to the 2014 Act, subject to the saving and transitional provision in section 21 of that Act.
(**12**) Sections 1G and 1H are repealed by paragraph 24 of Schedule 11 to the 2014 Act, subject to the saving and transitional provision in section 21 of that Act.
(**13**) 2003 c. 38. Sections 2, 5 and 6 of the Anti-social Behaviour Act 2003 were repealed by paragraph 41 of Schedule 11 to the 2014 Act, subject to the saving and transitional provision in section 93 of that Act.
(**14**) Sections 104, 108, 109 and 110 of the Sexual Offences Act 2003 were repealed by paragraphs 1 and 3 of Schedule 5 to the 2014 Act, subject to the saving and transitional provision in section 114 of that Act.
(**15**) Sections 114, 118 and 119 of the Sexual Offences Act 2003 were repealed by paragraphs 1 and 3 of Schedule 5 to the 2014 Act, subject to the saving and transitional provision in section 114 of that Act.