

# LEGAL AID, SENTENCING AND PUNISHMENT OF OFFENDERS ACT 2012

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## EXPLANATORY NOTES

### COMMENTARY

#### **Part 1: Legal Aid**

#### **Provision of legal aid**

#### *Section 4: Director of Legal Aid Casework*

71. *Section 4* makes provision about the Director of Legal Aid Casework, a statutory office holder.
72. *Subsection (1)* requires the Lord Chancellor to designate a civil servant as the Director of Legal Aid Casework. The Director's function is to make decisions on legal aid in individual cases.
73. To enable the Director to perform their functions, *subsection (2)* requires the Lord Chancellor to provide civil servants or other persons to give appropriate assistance to the Director.
74. *Subsection (3)* requires the Director to comply with directions given by the Lord Chancellor and to have regard to guidance issued by the Lord Chancellor. *Subsection (5)* requires the Lord Chancellor to publish such guidance and directions. Examples of directions which may be given include directions about the delegation of the Director's functions under section 5 and directions about determinations in respect of exceptional cases under section 10.
75. *Subsection (4)(a)* provides that the Lord Chancellor may not give a direction or guidance under *subsection (3)* in relation to an individual case. *Subsection (4)(b)* places a duty on the Lord Chancellor to ensure that the Director acts independently of the Lord Chancellor when applying directions or guidance under *subsection (3)* in relation to an individual case.
76. *Subsection (5)* provides that the Lord Chancellor must publish any directions and guidance given under this section.