



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 1

LEGAL AID

Criminal legal aid

16 Representation for criminal proceedings

- (1) Representation for the purposes of criminal proceedings is to be available under this Part to an individual if—
 - (a) the individual is a specified individual in relation to the proceedings, and
 - (b) the relevant authority has determined (provisionally or otherwise) that the individual qualifies for such representation in accordance with this Part (and has not withdrawn the determination).
- (2) Representation for the purposes of criminal proceedings is to be available under this Part to an individual if—
 - (a) the proceedings involve the individual resisting an appeal to the Crown Court otherwise than in an official capacity, and
 - (b) the relevant authority has determined (provisionally or otherwise) that the individual qualifies for such representation in accordance with this Part (and has not withdrawn the determination).
- (3) Where an individual qualifies under this Part for representation for the purposes of criminal proceedings (“the principal proceedings”), representation is also to be available to the individual for the purposes of—
 - (a) any related bail proceedings, and
 - (b) any preliminary or incidental proceedings.
- (4) Regulations may—

Status: This is the original version (as it was originally enacted).

- (a) make provision specifying whether proceedings are or are not to be regarded as preliminary or incidental for the purposes of subsection (3), and
 - (b) make provision for exceptions from subsection (3).
- (5) Regulations under subsection (4)(b) may, in particular, make exceptions for proceedings taking place more than a prescribed period of time before or after the principal proceedings.
- (6) In this section—
- “the relevant authority”, in relation to a specified individual and criminal proceedings, means the person who is authorised by or under section 18, 19 or 20 to determine (provisionally or otherwise) whether the individual qualifies under this Part for representation for the purposes of the proceedings;
 - “specified individual” means—
 - (a) in relation to criminal proceedings mentioned in any of paragraphs (a) to (g) of section 14, an individual mentioned in that paragraph in relation to those proceedings, and
 - (b) in relation to criminal proceedings prescribed by regulations under section 14(h), a description of individual specified in the regulations in relation to those proceedings.