

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Criminal Legal Aid (General) Regulations 2013 (“the Regulations”) make provision for determinations in relation to whether an individual qualifies for criminal legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10) (“the Act”).

Regulation 4 provides that the functions of the Lord Chancellor or the Director under the Regulations may be exercised by, or by an employee of, a person authorised for that purpose by the Lord Chancellor or Director.

Part 2 makes provision for the making of determinations in relation to individuals who are arrested and held in custody.

Part 3 makes provision about the proceedings which constitute criminal proceedings in addition to those already listed in section 14 of the Act (criminal proceedings).

Part 4 makes provision about the making and withdrawal of determinations about advice and assistance for criminal proceedings.

Part 5 makes provision in relation to determinations about representation for criminal proceedings and for the withdrawal of such determinations. Part 5 also makes provision in relation to proceedings which are and which are not to be regarded as incidental to criminal proceedings (regulations 19 and 20). Regulation 21 makes provision about the circumstances in which the interests of justice test set out in section 17 of the Act (qualifying for representation) is taken to be met. An individual may apply for a review of a determination by the Director that the interests of justice do not require representation to be made available (regulation 27). If the individual is dissatisfied with the review, then that individual may appeal (as set out in regulations 29 and 30).

Part 6 makes provision for the application of these Regulations to legal persons.

Changes to legislation:

The Criminal Legal Aid (General) Regulations 2013 is up to date with all changes known to be in force on or before 27 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- reg. 2 words inserted by [S.I. 2015/1369 reg. 4\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4 revoked (31.3.2016) before coming into force by S.I. 2016/313, regs. 1(1), 2(a)(ii), 3)
- reg. 2 words substituted by [S.I. 2015/1369 reg. 4\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4 revoked (31.3.2016) before coming into force by S.I. 2016/313, regs. 1(1), 2(a)(ii), 3)
- reg. 2 words substituted by [S.I. 2015/1369 reg. 4\(2\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4 revoked (31.3.2016) before coming into force by S.I. 2016/313, regs. 1(1), 2(a)(ii), 3)
- reg. 8(b) words substituted by [S.I. 2015/1369 reg. 4\(3\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4 revoked (31.3.2016) before coming into force by S.I. 2016/313, regs. 1(1), 2(a)(ii), 3)
- reg. 11(3) words substituted by [S.I. 2015/1369 reg. 4\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4 revoked (31.3.2016) before coming into force by S.I. 2016/313, regs. 1(1), 2(a)(ii), 3)
- reg. 14 words substituted by [S.I. 2015/1369 reg. 4\(3\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4 revoked (31.3.2016) before coming into force by S.I. 2016/313, regs. 1(1), 2(a)(ii), 3)
- reg. 15(1)(b) words substituted by [S.I. 2015/1369 reg. 4\(3\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4 revoked (31.3.2016) before coming into force by S.I. 2016/313, regs. 1(1), 2(a)(ii), 3)
- reg. 16(e)(ii) words substituted by [S.I. 2015/1369 reg. 4\(3\)\(e\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4 revoked (31.3.2016) before coming into force by S.I. 2016/313, regs. 1(1), 2(a)(ii), 3)
- reg. 17(b) words substituted by [S.I. 2015/1369 reg. 4\(3\)\(f\)](#) (This amendment not applied to legislation.gov.uk. Reg. 4 revoked (31.3.2016) before coming into force by S.I. 2016/313, regs. 1(1), 2(a)(ii), 3)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 9(ud) word omitted by [S.I. 2023/150 art. 8\(a\)](#)
- reg. 9(ue)(uf) inserted by [S.I. 2023/150 art. 8\(b\)](#)