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## STATUTORY INSTRUMENTS

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# 2013 No. 9

## The Criminal Legal Aid (General) Regulations 2013

### PART 1

#### Interpretation and General

##### Citation and commencement

1. These Regulations may be cited as the Criminal Legal Aid (General) Regulations 2013 and come into force on 1st April 2013.

##### Commencement Information

**II** [Reg. 1](#) in force at 1.4.2013, see [reg. 1](#)

##### Interpretation

2. In these Regulations—

“the Act” means the Legal Aid, Sentencing and Punishment of Offenders Act 2012;

“constable” means a member of a police force, an officer of the British Transport Police Force, an officer of Revenue and Customs and any other official who has a power of arrest by virtue of their office;

“criminal legal aid” means advice, assistance and representation made available under sections 13, 15 and 16 of the Act;

[<sup>F1</sup>“Financial Resources Regulations” means the Criminal Legal Aid (Financial Resources) Regulations 2013;]

“provider” means a person with whom the Lord Chancellor has made an arrangement under section 2(1) of the Act (arrangements) for the provision of criminal legal aid;

“representation order” means a document which records a determination under section 16 of the Act (representation for criminal proceedings);

[<sup>F2</sup>“Unit of Work” has the meaning given in paragraph 1.3 of the Specification to the [<sup>F3</sup>2022 Standard Crime Contract]];

“[<sup>F3</sup>2022 Standard Crime Contract]” means the contract so named between the Lord Chancellor and providers for the provision of criminal legal aid(1).

**F1** Words in [reg. 2](#) inserted (27.1.2014) by [The Criminal Legal Aid \(General\) \(Amendment\) Regulations 2013 \(S.I. 2013/2790\)](#), [regs. 1\(3\), 3](#)

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(1) A copy of the 2010 Standard Crime Contract is available at [www.justice.gov.uk/legal-aid](http://www.justice.gov.uk/legal-aid). Copies can be inspected at the Legal Aid Agency (Head Office), 102 Petty France, London, SW1H 9AJ.

**Changes to legislation:** The Criminal Legal Aid (General) Regulations 2013, PART 1 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. (See end of Document for details) View outstanding changes

- F2** Words in [reg. 2](#) substituted (1.4.2017) by [The Criminal Legal Aid \(Standard Crime Contract\) \(Amendment\) Regulations 2017 \(S.I. 2017/311\)](#), [regs. 1, 2\(2\)\(a\)](#) (with [reg. 5](#))
- F3** Words in [reg. 2](#) substituted (1.10.2022) by [The Criminal Legal Aid \(Standard Crime Contract\) \(Amendment\) Regulations 2022 \(S.I. 2022/995\)](#), [regs. 1, 3\(2\)\(a\)](#) (with [reg. 6](#))

#### Commencement Information

- I2** [Reg. 2](#) in force at 1.4.2013, see [reg. 1](#)

### Disregarding determinations

**3.** A determination may be disregarded if made in response to an application made otherwise than in accordance with these Regulations.

#### Commencement Information

- I3** [Reg. 3](#) in force at 1.4.2013, see [reg. 1](#)

### Delegation

**4.** A function of the Lord Chancellor or Director<sup>(2)</sup> under these Regulations may be exercised by, or by an employee of, a person authorised for that purpose by the Lord Chancellor or Director respectively<sup>(3)</sup>.

#### Commencement Information

- I4** [Reg. 4](#) in force at 1.4.2013, see [reg. 1](#)

### Reporting duty

**5.—(1)** Notwithstanding the relationship between an individual and the provider or any privilege arising out of that relationship, where the provider knows or suspects that the individual—

- (a) has failed without good reason to comply with a requirement to provide information or documents; or
- (b) in providing such required information or documents has made a statement or representation knowing or believing it to be false,

the provider must immediately report the relevant circumstances to the Director.

(2) The withdrawal of a determination does not affect a provider’s right to remuneration for work done prior to the date on which a determination is withdrawn under these Regulations unless the provider has failed without good reason to comply with the reporting requirements in paragraph (1).

#### Commencement Information

- I5** [Reg. 5](#) in force at 1.4.2013, see [reg. 1](#)

(2) Section 42(1) of the Act provides that in Part 1 of the Act (legal aid) “the Director” means the Director of Legal Aid Casework.  
 (3) Section 6 of the Act (authorisations) makes provision for authorisations given for the purposes of section 5 of the Act (delegation) or regulations under that section.

## Transfer of documents

- 6.—(1) This regulation applies where an individual—
- (a) is sent <sup>F4</sup>... for trial to the Crown Court; or
  - (b) appeals or seeks permission to appeal from a lower court to a higher court.
- (2) An officer of the lower court must ensure that the following documents are sent from the lower court to the higher court—
- (a) a copy of any representation order made in the proceedings; and
  - (b) a copy of any application for a representation order in relation to the proceedings which has been refused.

**F4** Words in reg. 6(1)(a) omitted (5.10.2015) by virtue of [The Civil and Criminal Legal Aid \(Amendment\) \(No.2\) Regulations 2015 \(S.I. 2015/1678\)](#), regs. 1(2)(a), **3** (with reg. 10(1))

### Commencement Information

**I6** [Reg. 6](#) in force at 1.4.2013, see [reg. 1](#)

**Changes to legislation:**

The Criminal Legal Aid (General) Regulations 2013, PART 1 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 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\(b\)](#)