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STATUTORY INSTRUMENTS

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**2013 No. 9**

**The Criminal Legal Aid (General) Regulations 2013**

**PART 3**

**Criminal proceedings**

**Criminal proceedings**

**9.** The following proceedings are criminal proceedings for the purposes of section 14(h) of the Act (criminal proceedings)—

- (a) civil proceedings in a magistrates' court arising from a failure to pay a sum due or to obey an order of that court where such failure carries the risk of imprisonment;
- (b) proceedings under sections 14B, 14D, 14G, 14H, 21B and 21D of the Football Spectators Act 1989<sup>(1)</sup> in relation to banning orders and references to a court;
- (c) proceedings under section 5A of the Protection from Harassment Act 1997<sup>(2)</sup> in relation to restraining orders on acquittal;
- <sup>F1</sup>(d) .....
- <sup>F1</sup>(e) .....
- <sup>F2</sup>(f) proceedings in relation to parenting orders made under section 8(1)(b) of the Crime and Disorder Act 1998 where an order under <sup>F3</sup>section 330 of the Sentencing Code] or a sexual harm prevention order under section 103A of the Sexual Offences Act 2003 <sup>F4</sup>[or Chapter 2 of Part 11 of the Sentencing Code] is made;]
- <sup>F5</sup>(fa) proceedings under sections 342H and 342I of the Sentencing Code in relation to serious violence reduction orders;]
- (g) proceedings under <sup>F6</sup>section 366 of the Sentencing Code] in relation to parenting orders made on the conviction of a child;
- (h) proceedings under section 9(5) of the Crime and Disorder Act 1998 <sup>F7</sup>[or section 374 of the Sentencing Code] to discharge or vary a parenting order made as set out in sub-paragraph (f) or (g);
- (i) proceedings under <sup>F8</sup>section 366(10) of the Sentencing Code] in relation to an appeal against a parenting order made as set out in sub-paragraph (f) or (g);
- (j) proceedings under <sup>F9</sup>section 368 of the Sentencing Code] in relation to parenting orders for failure to comply with orders under <sup>F10</sup>section 90 of that Code];

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(1) 1989 c. 37. Sections 14B, 14D, 14G and 14H were inserted by section 1 of, and paragraphs 1 and 2 of Schedule 1 to, the Football (Disorder) Act 2000 (c. 25). Section 14B was amended by section 52(2) of, and paragraphs 1 and 4 of Schedule 3 to, the Violent Crime Reduction Act 2006 (c. 38). Sections 21B and 21D were inserted by section 1 of, and paragraphs 1 and 4 of Schedule 1 to, the Football (Disorder) Act 2000. Section 21B was amended by section 12 of, and paragraphs 3 and 4 of the Schedule to, the Identity Documents Act 2010 (c. 40) and section 52(2) of, and paragraphs 1 and 4 of Part 1 of Schedule 3 to, the Violent Crime Reduction Act 2006 (c. 38).

(2) 1997 c. 40. Section 5A was inserted by section 12(5) of the Domestic Violence, Crime and Victims Act 2004 (c. 28).

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- [<sup>F11</sup>(ja) proceedings in a youth court (or on appeal from such a court) in relation to the breach or potential breach of a provision of an injunction under Part 1 of the Anti-social Behaviour, Crime and Policing Act 2014 where the person who is subject to the injunction is aged under 14;]
- [<sup>F12</sup>(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;]
- [<sup>F13</sup>(ka) proceedings under paragraph 3 of Schedule 2 to the Female Genital Mutilation Act 2003 in relation to female genital mutilation protection orders made other than on conviction and related appeals;
- (kb) proceedings under paragraph 6 of Schedule 2 to the Female Genital Mutilation Act 2003 in relation to female genital mutilation protection orders made under paragraph 3 of that Schedule;]
- (l) proceedings under sections 20, 22, 26 and 28 of the Anti-social Behaviour Act 2003(3) in relation to parenting orders—
  - (i) in cases of exclusion from school; or
  - (ii) in respect of criminal conduct and anti-social behaviour;
- (m) proceedings under sections 97, 100 and 101 of the Sexual Offences Act 2003(4) in relation to notification orders and interim notification orders;
- [<sup>F14</sup>(n) proceedings under sections 103A, 103E, 103F and 103H of the Sexual Offences Act 2003 [<sup>F15</sup>or sections 345, 350 and 353 of the Sentencing Code] in relation to sexual harm prevention orders;]
- <sup>F16</sup>(o) .....
- [<sup>F17</sup>(p) proceedings under sections 122A, 122D, 122E and 122G of the Sexual Offences Act 2003 in relation to sexual risk orders;]
- <sup>F18</sup>(q) .....
- (r) proceedings under section 13 of the Tribunals, Courts and Enforcement Act 2007(5) on appeal against a decision of the Upper Tribunal in proceedings in respect of—
  - (i) a decision of the [<sup>F19</sup>Financial Conduct Authority];
  - [<sup>F20</sup>(ia) a decision of the Prudential Regulation Authority;]
  - (ii) a decision of the Bank of England; or
  - (iii) a decision of a person in relation to the assessment of any compensation or consideration under the Banking (Special Provisions) Act 2008(6) or the Banking Act 2009(7);
- (s) proceedings before the Crown Court or the Court of Appeal in relation to serious crime prevention orders under sections 19, 20, 21 and 24 of the Serious Crime Act 2007(8);

(3) Section 20 was amended by section 98 of the Education and Inspections Act 2006 (c. 40) and article 5(1) of and paragraph 52 of Part 2 of Schedule 2 to S.I. 2010/1158. Section 26 was amended by section 52 of and paragraph 54 of Schedule 14 to the Police and Justice Act 2006 (c. 48) in relation to England only. Section 28 was amended by section 52 of and paragraph 56 of Schedule 14 to the Police and Justice Act 2006 (c. 48) in relation to England only.

(4) 2003 c. 42.  
 (5) 2007 c. 15.  
 (6) 2008 c. 2.  
 (7) 2009 c. 1.  
 (8) 2007 c. 27.

- (t) proceedings under sections 100, 101, 103, 104 and 106 of the Criminal Justice and Immigration Act 2008(9) in relation to violent offender orders and interim violent offender orders;
- (u) proceedings under sections 26, 27 and 29 of the Crime and Security Act 2010(10) in relation to—
  - (i) domestic violence protection notices; or
  - (ii) domestic violence protection orders; <sup>F21</sup>...
- [<sup>F22</sup>(ua) proceedings under sections 14(1)(b) and (c), 15 and 20 to 22 of the Modern Slavery Act 2015 in relation to slavery and trafficking prevention orders;
- (ub) proceedings under sections 23 and 27 to 29 of the Modern Slavery Act 2015 in relation to slavery and trafficking risk orders, and]
- [<sup>F23</sup>(uc) proceedings under Part 2 of the Offensive Weapons Act 2019 in relation to a knife crime prevention order or an interim knife crime prevention order;]
- [<sup>F24</sup>(ud) proceedings under sections 1, 4, 5 and 7 of the Stalking Protection Act 2019 in relation to stalking protection orders and interim stalking protection orders, and]
- (v) any other proceedings that involve the determination of a criminal charge for the purposes of Article 6(1) of the European Convention on Human Rights.

- F1** Reg. 9(d)(e) omitted (23.3.2015) by virtue of The Criminal Legal Aid (General) (Amendment) Regulations 2015 (S.I. 2015/326), regs. 1(1), **2(2)** (with reg. 3)
- F2** Reg. 9(f) substituted (23.3.2015) by The Criminal Legal Aid (General) (Amendment) Regulations 2015 (S.I. 2015/326), regs. 1(1), **2(3)** (with reg. 3)
- F3** Words in reg. 9(f) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 410(2)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F4** Words in reg. 9(f) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 410(2)(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F5** Reg. 9(fa) inserted (17.1.2023) by The Criminal Legal Aid (General) (Amendment) Regulations 2022 (S.I. 2022/1370), regs. 1(2), **2**
- F6** Words in reg. 9(g) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 410(3)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F7** Words in reg. 9(h) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 410(4)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F8** Words in reg. 9(i) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 410(5)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F9** Words in reg. 9(j) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 410(6)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F10** Words in reg. 9(j) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 410(6)(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F11** Reg. 9(ja) inserted (24.3.2015) by The Legal Aid, Community Legal Service and Criminal Defence Service (Amendment) Regulations 2015 (S.I. 2015/838), regs. 1(2), **7**
- F12** Reg. 9(k) substituted (23.3.2015) by The Criminal Legal Aid (General) (Amendment) Regulations 2015 (S.I. 2015/326), regs. 1(1), **2(4)** (with reg. 3)
- F13** Reg. 9(ka)(kb) inserted (17.7.2015) by The Civil and Criminal Legal Aid (Amendment) Regulations 2015 (S.I. 2015/1416), regs. 1(2)(b), **3(a)**
- F14** Reg. 9(n) substituted (23.3.2015) by The Criminal Legal Aid (General) (Amendment) Regulations 2015 (S.I. 2015/326), regs. 1(1), **2(5)** (with reg. 3)

(9) 2008 c. 4.  
(10) 2010 c. 17.

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- F15** Words in reg. 9(n) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 410(7)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F16** Reg. 9(o) omitted (23.3.2015) by virtue of The Criminal Legal Aid (General) (Amendment) Regulations 2015 (S.I. 2015/326), regs. 1(1), **2(6)** (with reg. 3)
- F17** Reg. 9(p) substituted (23.3.2015) by The Criminal Legal Aid (General) (Amendment) Regulations 2015 (S.I. 2015/326), regs. 1(1), **2(7)** (with reg. 3)
- F18** Reg. 9(q) omitted (23.3.2015) by virtue of The Criminal Legal Aid (General) (Amendment) Regulations 2015 (S.I. 2015/326), regs. 1(1), **2(8)** (with reg. 3)
- F19** Words in reg. 9(r) substituted (1.4.2013) by The Financial Services Act 2012 (Consequential Amendments and Transitional Provisions) Order 2013 (S.I. 2013/472), **Sch. 2 para. 249(a)**
- F20** Reg. 9(r)(ia) inserted (1.4.2013) by The Financial Services Act 2012 (Consequential Amendments and Transitional Provisions) Order 2013 (S.I. 2013/472), **Sch. 2 para. 249(b)**
- F21** Word in reg. 9(u)(ii) omitted (31.7.2015) by virtue of The Civil and Criminal Legal Aid (Amendment) Regulations 2015 (S.I. 2015/1416), regs. 1(2)(a), **3(b)**
- F22** Reg. 9(ua)(ub) inserted (31.7.2015) by The Civil and Criminal Legal Aid (Amendment) Regulations 2015 (S.I. 2015/1416), regs. 1(2)(a), **3(c)**
- F23** Reg. 9(uc) inserted (5.7.2021 in relation to the metropolitan police district for the specified period) by Offensive Weapons Act 2019 (c. 17), **ss. 32(2), 70(1)** (with s. 32(3)); S.I. 2021/762, regs. 1(2), 2(1) (with reg. 4)
- F24** Reg. 9(ud) inserted (20.1.2020) by The Criminal Legal Aid (General) (Amendment) Regulations 2020 (S.I. 2020/8), regs. 1(2), **2**

#### Commencement Information

- I1** Reg. 9 in force at 1.4.2013, see **reg. 1**

### Criminal proceedings: specified individual

**10.** An individual who is or may be brought before a court or tribunal in proceedings specified in regulation 9 is a specified individual for the purposes of section 16(6) of the Act (representation for criminal proceedings).

#### Commencement Information

- I2** Reg. 10 in force at 1.4.2013, see **reg. 1**

**Changes to legislation:**

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**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\(b\)](#)