
STATUTORY INSTRUMENTS

2013 No. 9

The Criminal Legal Aid (General) Regulations 2013

PART 4

Advice and assistance for criminal proceedings

Prescribed conditions

12.—(1) The conditions set out in paragraph (2) are prescribed for the purposes of section 15(1) of the Act.

(2) The conditions are that an individual must—

- (a) be the subject of an investigation which may lead to criminal proceedings;
- (b) be the subject of criminal proceedings;
- (c) require advice and assistance regarding an appeal or potential appeal against the outcome of any criminal proceedings or an application to vary a sentence;

[^{F1}(d) require advice and assistance regarding—

(i) the application of the provisions in Chapter 6 of Part 12 of the Criminal Justice Act 2003 or in Chapter 2 of Part 2 of the Crime (Sentences) Act 1997, which determine when a prisoner is either entitled to be released by the Secretary of State or eligible for consideration by the Parole Board for a direction to be released; ^{F2}...

(ii) the application of the provisions in Chapter 2 of Part 5 of the Powers of Criminal Courts (Sentencing) Act 2000, [^{F3}or in section 241 of the Sentencing Code,] which determine when an offender is entitled to be released by the Secretary of State;

[^{F4}(iii) a review of a prisoner's classification pursuant to rule 7 (classification of prisoners) of the Prison Rules as a Category A Prisoner [^{F5}or as a Restricted Status Prisoner];

(iv) the application of rule 46 (close supervision centres) of the Prison Rules, which provides for directions by the Secretary of State in relation to a prisoner's placement in a close supervision centre of a prison; ^{F6}...

(v) the application of rule 46A (separation centres) of the Prison Rules, which provides for directions by the Secretary of State in relation to a prisoner's placement in a separation centre within a prison; [^{F7}or]]

[^{F8}(vi) a review of an inmate's classification pursuant to rule 4 (classification of inmates) of the Young Offender Institution Rules 2000 as a Category A Inmate or Restricted Status Inmate;]]

(e) require advice and assistance regarding an application or potential application to the Criminal Cases Review Commission⁽¹⁾;

[^{F9}(f) require advice and assistance regarding a disciplinary hearing in a prison or young offender institution where—

(1) The Criminal Cases Review Commission was established by section 8 of the Criminal Appeal Act 1995 (c. 35).

Changes to legislation: The Criminal Legal Aid (General) Regulations 2013, Section 12 is up to date with all changes known to be in force on or before 10 January 2024. 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

- (i) the proceedings involve the determination of a criminal charge for the purposes of Article 6(1) of the European Convention on Human Rights; or
- (ii) the governor has exercised the governor’s discretion to allow advice and assistance in relation to the hearing;]
- (g) be the subject of proceedings before the Parole Board^{F10} ...;
- ^{F11}(h)
- (i) be a witness in criminal proceedings and require advice and assistance regarding self-incrimination;
- (j) be a volunteer; ^{F12}...
- (k) be detained under Schedule 7 to the Terrorism Act 2000 ^{F13}(3), or
- (l) be detained under Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019.]
- ^{F14}(3) In this regulation—
- ^{F15}(za) “the Prison Rules” means the Prison Rules 1999;
 - [“Category A Inmate” means an inmate whose escape would be highly dangerous to the public, the police or national security, and for whom the aim is to make escape impossible;]
- ^{F16}(zaa) “Category A Prisoner” means a prisoner whose escape would be highly dangerous to the public, the police or national security, and for whom the aim is to make escape impossible;
- (zc) “close supervision centre” means any cell or other part of a prison designated by the Secretary of State for holding prisoners who are subject to a direction given under rule 46(1) of the Prison Rules;]
- (a) “governor” includes—
 - (i) a director approved by the Secretary of State for the purposes of section 85(1)(a) of the Criminal Justice Act 1991(“the 1991 Act”); and
 - (ii) a controller appointed by the Secretary of State under section 85(1)(b) of the 1991 Act,
 where the Secretary of State has entered into a contract for the running of a prison under section 84 of the 1991 Act; ^{F17}...
- ^{F18}(aza) “inmate” means a person who is required to be detained in a young offender institution;
- (azb) “Restricted Status Inmate” means an inmate whose escape would present a serious risk to the public;
- (azc) “Restricted Status Prisoner” means a prisoner whose escape would present a serious risk to the public;]
- ^{F19}(aa) “separation centre” means any part of a prison for the time being used for holding prisoners who are subject to a direction under rule 46A(1) of the Prison Rules; and]
- (b) “volunteer” means an individual who, for the purposes of assisting with an investigation, without having been arrested—
 - (i) attends voluntarily at a police station, customs office or any other place where a constable is present; or
 - (ii) accompanies a constable to a police station, customs office or any other such place.]

(2) The Parole Board is constituted under section 239 of the Criminal Justice Act 2003 (c. 44).
 (3) 2000 c. 11.

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- F1** Reg. 12(2)(d) substituted (2.12.2013) by [The Criminal Legal Aid \(General\) \(Amendment\) Regulations 2013](#) (S.I. 2013/2790), regs. 1(2), **4(2)** (with reg. 7)
- F2** Word in reg. 12(2)(d)(i) omitted (21.2.2018) by virtue of [The Criminal Legal Aid \(Amendment\) Regulations 2017](#) (S.I. 2017/1319), regs. 1, **2(2)** (with reg. 5)
- F3** Words in reg. 12(2)(d)(ii) inserted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), **Sch. 24 para. 411** (with Sch. 27); S.I. 2020/1236, reg. 2
- F4** Reg. 12(2)(d)(iii)-(v) inserted (21.2.2018) by [The Criminal Legal Aid \(Amendment\) Regulations 2017](#) (S.I. 2017/1319), regs. 1, **2(3)** (with reg. 5)
- F5** Words in reg. 12(2)(d)(iii) inserted (12.6.2018) by [The Criminal Legal Aid \(Amendment\) Regulations 2018](#) (S.I. 2018/587), regs. 1, **2(2)** (with reg. 4)
- F6** Word in reg. 12(2)(d)(iv) omitted (12.6.2018) by virtue of [The Criminal Legal Aid \(Amendment\) Regulations 2018](#) (S.I. 2018/587), regs. 1, **2(3)** (with reg. 4)
- F7** Word in reg. 12(2)(d)(v) inserted (12.6.2018) by [The Criminal Legal Aid \(Amendment\) Regulations 2018](#) (S.I. 2018/587), regs. 1, **2(4)** (with reg. 4)
- F8** Reg. 12(2)(d)(vi) inserted (12.6.2018) by [The Criminal Legal Aid \(Amendment\) Regulations 2018](#) (S.I. 2018/587), regs. 1, **2(5)** (with reg. 4)
- F9** Reg. 12(2)(f) substituted (2.12.2013) by [The Criminal Legal Aid \(General\) \(Amendment\) Regulations 2013](#) (S.I. 2013/2790), regs. 1(2), **4(3)** (with reg. 7)
- F10** Words in reg. 12(2)(g) omitted (21.2.2018) by virtue of [The Criminal Legal Aid \(Amendment\) Regulations 2017](#) (S.I. 2017/1319), regs. 1, **2(4)** (with reg. 5)
- F11** Reg. 12(2)(h) omitted (2.12.2013) by virtue of [The Criminal Legal Aid \(General\) \(Amendment\) Regulations 2013](#) (S.I. 2013/2790), regs. 1(2), **4(5)** (with reg. 7)
- F12** Word in reg. 12(2)(j) omitted (13.8.2020) by virtue of [Counter-Terrorism and Border Security Act 2019](#) (c. 3), s. 27(2)(d), **Sch. 4 para. 30(1)(a)** (with Sch. 4 para. 30(2)); S.I. 2020/792, reg. 2(i)
- F13** Reg. 12(2)(l) and word inserted (13.8.2020) by [Counter-Terrorism and Border Security Act 2019](#) (c. 3), s. 27(2)(d), **Sch. 4 para. 30(1)(b)** (with Sch. 4 para. 30(2)); S.I. 2020/792, reg. 2(i)
- F14** Reg. 12(3) substituted (2.12.2013) by [The Criminal Legal Aid \(General\) \(Amendment\) Regulations 2013](#) (S.I. 2013/2790), regs. 1(2), **4(6)** (with reg. 7)
- F15** Reg. 12(za)-(zc) inserted (21.2.2018) by [The Criminal Legal Aid \(Amendment\) Regulations 2017](#) (S.I. 2017/1319), regs. 1, **2(5)** (with reg. 5)
- F16** Reg. 12(3)(zaa) inserted (12.6.2018) by [The Criminal Legal Aid \(Amendment\) Regulations 2018](#) (S.I. 2018/587), regs. 1, **2(6)** (with reg. 4)
- F17** Word in reg. 12(3)(a) omitted (21.2.2018) by virtue of [The Criminal Legal Aid \(Amendment\) Regulations 2017](#) (S.I. 2017/1319), regs. 1, **2(6)** (with reg. 5)
- F18** Reg. 12(3)(aza)-(azc) inserted (12.6.2018) by [The Criminal Legal Aid \(Amendment\) Regulations 2018](#) (S.I. 2018/587), regs. 1, **2(7)** (with reg. 4)
- F19** Reg. 12(3)(aa) inserted (21.2.2018) by [The Criminal Legal Aid \(Amendment\) Regulations 2017](#) (S.I. 2017/1319), regs. 1, **2(7)** (with reg. 5)

Commencement Information

- I1** Reg. 12 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\(b\)](#)