STATUTORY INSTRUMENTS

2024 No. 1074

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Civil and Criminal Legal Aid (Financial Resources and Contribution Orders) (Amendment) Regulations 2024

Made - - - -	*28th October 2024*
Laid before Parliament	*30th October 2024*
Coming into force - -	*20th November 2024*

The Lord Chancellor makes these Regulations in exercise of the powers conferred by sections 5(2), (4) and (6), 21(2), (3), (5), and (6), 23(1), (2), (5), (6), (8), (9), (10), and (11) and 41(1), (2), and (3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**a**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Civil and Criminal Legal Aid (Financial Resources and Contribution Orders) (Amendment) Regulations 2024 and come into force on 20th November 2024.

(2) These Regulations extend to England and Wales.

Amendments to the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013

2.—(1) The Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013(**b**) are amended as follows.

(2) In regulation 2 (interpretation) insert at the appropriate places—

> ""the Infected Blood Compensation Scheme" means the nationwide government-funded compensation scheme established by regulations made under section 49 of the Victims and Prisoners Act 2024(**c**), and administered by the Infected Blood Compensation Authority established under section 48 of the Victims and Prisoners Act 2024;";
>
> ""the Infected Blood Further Interim Compensation Payment Scheme" means the scheme of that name administered by the persons who administer the Relevant Infected Blood Support Schemes (whether or not in conjunction with other persons);";

(**a**) 2012 c. 10. See section 42(1) for the definition of "regulations".
(**b**) S.I. 2013/480; relevant amending instruments are S.I. 2013/591, 2015/643, 2015/838, 2016/211, 2016/708, 2017/745, 2019/505, 2019/894, 2020/1584, 2022/1376.
(**c**) 2024 c. 21.

""the Infected Blood Interim Compensation Payment Scheme" means the scheme of that name administered by the persons who administer the Relevant Infected Blood Support Schemes (whether or not in conjunction with other persons);";

""Modern Slavery Victim Care Contract or equivalent payment" means any payment of government-funded financial assistance made—

(a) in England and Wales under the Modern Slavery Victim Care Contract in accordance with guidance issued by the Secretary of State under section 49 of the Modern Slavery Act 2015(**a**);

(b) in Northern Ireland under section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015(**b**);

(c) in Scotland under section 9 of the Human Trafficking and Exploitation (Scotland) Act 2015(**c**) or regulations made under section 10 of that Act;";

""payment for historical child abuse" means any of the following—

(a) a payment of compensation made by the Historical Institutional Abuse Redress Board established under the Historical Institutional Abuse (Northern Ireland) Act 2019(**d**) to and in respect of an individual who suffered abuse as a child while resident in an institution in Northern Ireland at some time between 1922 and 1995 (both inclusive);

(b) a payment for financial redress and related support made under the redress scheme established by the Redress for Survivors (Historical Child Abuse in Care) Scotland Act 2021(**e**) to and in respect of an individual who was abused as a child before 1st December 2004 while resident in certain care settings in Scotland;";

""social security enactment" has the same meaning as in paragraph 8 of Part 1 of Schedule 1 to the Act;";

""the Victims of Overseas Terrorism Compensation Scheme 2012" means the government-funded compensation scheme established under arrangements made by the Secretary of State under section 47 of the Crime and Security Act 2010(**f**);".

(3) In regulation 24 (payments to be disregarded from calculation of disposable income or gross income)—

(a) in paragraph (1)(t) for "the Caxton Foundation or a Relevant Infected Blood Support Scheme" substitute "the Caxton Foundation, a Relevant Infected Blood Support Scheme, the Infected Blood Interim Compensation Payment Scheme, the Infected Blood Further Interim Compensation Payment Scheme, the Infected Blood Compensation Scheme, or arrangements made by the Secretary of State or the Minister for the Cabinet Office under section 56(1) of the Victims and Prisoners Act 2024(**g**)";

(b) after paragraph (1)(x) insert—

"(y) any payment for historical child abuse;

(z) any Modern Slavery Victim Care Contract or equivalent payment;

(**a**) 2015 c. 30; section 49 was amended by the Nationality and Borders Act 2022 (c. 36), section 60(3) and (4).
(**b**) 2015 c. 2 (N.I.); section 18 was amended by the Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (c. 19 (N.I.)), section 21(3).
(**c**) 2015 asp 12.
(**d**) 2019 c. 31 (N.I.).
(**e**) 2021 asp 15. See section 2 for the definition of "redress scheme".
(**f**) 2010 c. 17.
(**g**) 2024 c. 21.

(z1) any payment of compensation for a miscarriage of justice made under section 133 of the Criminal Justice Act 1988(**a**).";

(c) in paragraph (3) after "may" insert ", subject to paragraphs (3B) and (3C),";

(d) in paragraph (3A)—

(i) after "may" insert ", subject to paragraphs (3B) and (3C),";

(ii) after sub-paragraph (a) omit "and";

(iii) after sub-paragraph (b) insert—

"(c) any payment of compensation made under the Victims of Overseas Terrorism Compensation Scheme 2012.";

(e) after paragraph (3A) insert—

"(3B) In determining whether to disregard any payment falling within paragraphs (3) and (3A)—

(a) subject to sub-paragraph (b), the Director may disregard the whole of a payment where the following conditions are met—

(i) the payment was for personal harm or was for a specified purpose; and

(ii) the payment was not for a loss of income;

(b) where a payment for personal harm or a specified purpose includes, in part, an amount for a loss of income—

(i) where the Director is able to ascertain the amount of the part which is for a loss of income, the Director may disregard only the amount of the part which is not for a loss of income; or

(ii) where the Director is not able to ascertain the amount of the part which is for a loss of income, the Director may disregard the whole of the payment.

(3C) In determining whether to disregard any payment falling within paragraphs (3) and (3A), the Director may disregard the whole of a payment where there is a direct link between—

(a) the loss or harm suffered by an individual for which the payment has been made; and

(b) the civil legal service the individual has applied for or receives.

(3D) In calculating the disposable income or the gross income of the individual—

(a) subject to sub-paragraph (b), the Director may disregard the whole of a payment where the following conditions are met—

(i) the payment was for personal harm or was for a specified purpose; and

(ii) the payment was not for a loss of income;

(**a**) 1988 c. 33; Section 133 in relation to England and Wales and Northern Ireland was amended by paragraph 16(4) of Schedule 2 and Schedule 3 to the Criminal Appeal Act 1995 (c. 35); section 7(8) of the Terrorism Act 2000 (c. 11); section 12(8) of the Prevention of Terrorism Act 2005 (c. 2); paragraph 1 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4); paragraph 6(1) of the Schedule to the Criminal Proceedings etc (Reform) Scotland Act 2007 (asp 6); section 61(3) to (6) of the Criminal Justice and Immigration Act 2008 (c. 4); paragraph 3 of Schedule 7 to the Terrorism Prevention and Investigation Measures Act 2011 (c. 23); section 175(1) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12); section 15(2) of the Counter-Terrorism and Security Act 2015 (c. 6); paragraph 2(1) of Schedule 6 to S.I. 2010/976; and paragraph 8 of the Schedule to S.I. 2023/1386; and in relation to Scotland by section 28, paragraph 16(4) of Schedule 2, and Schedule 3 to the Criminal Appeal Act 1995 (c. 35); section 7(8) of the Terrorism Act 2000 (c. 11); section 12(8) of the Prevention of Terrorism Act 2005 (c. 2); paragraph 6(1) of the Schedule to the Criminal Proceedings etc (Reform) Scotland Act 2007 (asp 6); section 113(1) of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13); paragraph 3 of Schedule 7 to the Terrorism Prevention and Investigation Measures Act 2011 (c. 23); section 15(2) of the Counter-Terrorism and Security Act 2015 (c. 6); and paragraph 8 of the Schedule to S.I. 2023/1386.

(b) where a payment for personal harm or a specified purpose includes, in part, an amount for a loss of income—

(i) where the Director is able to ascertain the amount of the part which is for a loss of income, the Director may disregard only the amount of the part which is not for a loss of income; or

(ii) where the Director is not able to ascertain the amount of the part which is for a loss of income, the Director may disregard the whole of the payment.

(3E) In calculating the disposable income or the gross income of the individual, the Director may disregard the whole of a payment where there is a direct link between—

(a) the loss or harm suffered by an individual for which the payment has been made; and

(b) the civil legal service the individual has applied for or receives.

(3F) The following definitions apply in relation to—

(a) paragraphs (3B) and (3D)—

"loss of income" includes past and future loss of income;

"personal harm" means a non-pecuniary loss or harm caused to an individual;

"specified purpose" means an essential need of an individual and does not include a payment for financial-only loss;

(b) paragraph (3D) and (3E)—

"payment"—

(a) means any interim or final compensation, damages, insurance or ex gratia payment made to an individual ("A") for a loss or harm suffered by A; and

(b) does not include a payment made directly by an individual ("B") who is known personally to A unless B is wholly or partly responsible (or alleged to be wholly or partly responsible) for the loss or harm suffered by A for which the payment was made,

and in the definition of "payment" mentioned in paragraph (3F)(b) "ex gratia" means a payment for which no legal liability exists.".

(4) In regulation 39 (amount of interest in dwellings to be disregarded)—

(a) in paragraph (1) for "paragraph (2)" substitute "paragraphs (2) and (3)";

(b) after paragraph (2) insert—

"(3) Where an individual ("A") resides in a dwelling other than the main or only dwelling in which A has an interest, the Director must apply paragraph (1) to A's interest in the main or only dwelling where the following conditions are met—

(a) A's residence in the other dwelling (which is not the main or only dwelling) is temporary;

(b) A previously resided in the main or only dwelling with another individual ("B");

(c) A and B are associated with each other;

(d) A no longer resides in the main or only dwelling because—

(i) there has been, or is a risk of, domestic violence between A and B;

(ii) A was, or is at risk of being, the victim of that domestic violence; and

(iii) B continues to reside in the main or only dwelling; and

(e) the Director is satisfied that A intends to return to reside in the main or only dwelling.

(4) For the purposes of paragraph (3), when determining A's main or only dwelling the Director must exclude the dwelling in which A's residence is temporary.

(5) In this regulation, "associated" and "domestic violence" have the same meanings as in paragraph 12 of Part 1 of Schedule 1 to the Act(**a**).".

(5) In regulation 40 (certain payments to be disregarded)—

(a) in paragraph (1)—

(i) after sub-paragraph (b)(iii) omit "and";

(ii) in sub-paragraph (f) for "the Caxton Foundation or a Relevant Infected Blood Support Scheme" substitute "the Caxton Foundation, a Relevant Infected Blood Support Scheme, the Infected Blood Interim Compensation Payment Scheme, the Infected Blood Further Interim Compensation Payment Scheme, the Infected Blood Compensation Scheme, or arrangements made by the Secretary of State or the Minister for the Cabinet Office under section 56(1) of the Victims and Prisoners Act 2024";

(iii) after sub-paragraph (j) insert—

"(k) any payment for historical child abuse;

(l) any Modern Slavery Victim Care Contract or equivalent payment;

(m) any payment of compensation for a miscarriage of justice made under section 133 of the Criminal Justice Act 1988;

(n) any payment of arrears for—

(i) a benefit, allowance, payment, credit, or pension, under a social security enactment; or

(ii) child maintenance,

received by an individual at any time within the period of two years ending with the date on which the individual's application for a determination in respect of civil legal services is made.";

(b) in paragraph (2) after "may" insert ", subject to paragraphs (2B) and (2C),";

(c) in paragraph (2A)—

(i) after "may" insert ", subject to paragraphs (2B) and (2C),";

(ii) after sub-paragraph (a) omit "and";

(iii) after sub-paragraph (b) insert—

"(c) any payment of arrears for—

(i) a benefit, allowance, payment, credit, or pension, under a social security enactment; or

(ii) child maintenance,

received by an individual on a date falling more than two years before the date on which the individual's application for a determination in respect of civil legal services is made;

(d) any payment of compensation made under the Victims of Overseas Terrorism Compensation Scheme 2012.";

(**a**) 2012 c. 10; paragraph 12 of Part 1 of Schedule 1 was amended by article 4(1) of S.I. 2013/748; Schedule 1, paragraph 15 of S.I. 2018/1413; section 9(12)(a) of the Children and Families Act 2014 (c. 6).

(d) after paragraph (2A) insert—

"(2B) In determining whether to disregard any payment falling within paragraphs (2) and (2A)—

(a) subject to sub-paragraph (b), the Director may disregard the whole of a payment where the following conditions are met—

(i) the payment was for personal harm or was for a specified purpose; and

(ii) the payment was not for a loss of income;

(b) where a payment for personal harm or a specified purpose includes, in part, an amount for a loss of income—

(i) where the Director is able to ascertain the amount of the part which is for a loss of income, the Director may disregard only the amount of the part which is not for a loss of income; or

(ii) where the Director is not able to ascertain the amount of the part which is for a loss of income, the Director may disregard the whole of the payment.

(2C) In determining whether to disregard any payment falling within paragraphs (2) and (2A), the Director may disregard the whole of a payment where there is a direct link between—

(a) the loss or harm suffered by an individual for which the payment has been made; and

(b) the civil legal service the individual has applied for or receives.

(2D) In calculating the disposable capital of the individual—

(a) subject to sub-paragraph (b), the Director may disregard the whole of a payment where the following conditions are met—

(i) the payment was for personal harm or was for a specified purpose; and

(ii) the payment was not for a loss of income;

(b) where a payment for personal harm or a specified purpose includes, in part, an amount for a loss of income—

(i) where the Director is able to ascertain the amount of the part which is for a loss of income, the Director may disregard only the amount of the part which is not for a loss of income; or

(ii) where the Director is not able to ascertain the amount of the part which is for a loss of income, the Director may disregard the whole of the payment.

(2E) In calculating the disposable capital of the individual, the Director may disregard the whole of a payment where there is a direct link between—

(a) the loss or harm suffered by an individual for which the payment has been made; and

(b) the civil legal service the individual has applied for or receives.

(2F) In—

(a) paragraphs (2B) and (2D), "loss of income"; "personal harm"; and "specified purpose" have the same meanings as in regulation 24(3F)(a);

(b) paragraphs (2D) and (2E), "payment" has the same meaning as in regulation 24(3F)(b).";

(e) for paragraph (3) substitute—

"(3) In this regulation—

(a) "child maintenance" means regular payments an individual receives or is entitled to receive for the maintenance of a child who is a member of that individual's household;

(b) "fire at Grenfell Tower"; "Grenfell Tower"; and "victim of the fire at Grenfell Tower" have the same meanings as in regulation 24(4).".

(6) Regulation 42 (discretion to disregard interim payments) is amended as follows—

(a) the existing text of the regulation becomes paragraph (1);

(b) after that paragraph insert—

"(2) For the purposes of this regulation, an interim payment does not include any payment which falls within—

(a) regulation 40(2) and (2A); and

(b) the definition of "payment" in regulation 40(2F)(b).".

Amendments to the Criminal Legal Aid (Financial Resources) Regulations 2013

3.—(1) The Criminal Legal Aid (Financial Resources) Regulations 2013(**a**) are amended as follows.

(2) In regulation 2 (interpretation), insert at the appropriate places—

""fire at Grenfell Tower" means the fire at Grenfell Tower on 14th June 2017;";

""Grenfell Tower" means Grenfell Tower, Grenfell Road, London, W11 1TG;";

""loss of income" includes past and future loss of income;";

""Modern Slavery Victim Care Contract or equivalent payment" means any payment of government-funded financial assistance made—

(a) in England and Wales under the Modern Slavery Victim Care Contract in accordance with guidance issued by the Secretary of State under section 49 of the Modern Slavery Act 2015;

(b) in Northern Ireland under section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015;

(c) in Scotland under section 9 of the Human Trafficking and Exploitation (Scotland) Act 2015 or regulations made under section 10 of that Act;";

""personal harm" means a non-pecuniary loss or harm caused to an individual;";

""specified purpose" means an essential need of an individual and does not include a payment for financial-only loss;";

""victim of the fire at Grenfell Tower" means an individual who is any one or more of the following—

(a) an individual living in Grenfell Tower on 14th June 2017;

(b) an individual present in Grenfell Tower on 14th June 2017 at the time of the fire at Grenfell Tower;

(c) an individual who was injured in, or as a result of, the fire at Grenfell Tower;

(**a**) S.I. 2013/471; relevant amending instruments are S.I. 2013/591, 2013/2791, 2015/643, 2015/838, 2016/211, 2016/708, 2019/894, 2022/1376.

(d) an individual living in a building in the immediate vicinity of Grenfell Tower that was evacuated as a result of the fire at Grenfell Tower;

(e) a member of the family of an individual who died in the fire at Grenfell Tower or is missing in the fire at Grenfell Tower (and an individual is a member of the family of such an individual if the requirements of section 10(6) of the Act are met); or

(f) a personal representative of an individual who died in the fire at Grenfell Tower;";

""the Victims of Overseas Terrorism Compensation Scheme 2012" means the government-funded compensation scheme established under arrangements made by the Secretary of State under section 47 of the Crime and Security Act 2010;".

(3) In regulation 11 (disposable income: deductions)—

(a) in paragraph (3)—

(i) after sub-paragraph (j) omit "and";

(ii) after sub-paragraph (o) insert—

"(p) any Modern Slavery Victim Care Contract or equivalent payment;

(q) any payment of compensation for a miscarriage of justice made under section 133 of the Criminal Justice Act 1988.";

(b) after paragraph (3) insert—

"(4) To calculate the disposable income of an individual in accordance with regulation 6(1), the Director may, subject to paragraphs (5) and (6), deduct the amounts as were paid to the individual during the period of calculation in respect of—

(a) any payment that meets all of the following conditions—

(i) the payment was made to an individual who is a victim of the fire at Grenfell Tower;

(ii) the payment was made to that individual because the individual is a victim of the fire at Grenfell Tower; and

(iii) the payment was not made directly to the individual by an individual known personally to the individual;

(b) any payment of compensation made under the Victims of Overseas Terrorism Compensation Scheme 2012.

(5) In determining whether to deduct an amount for any payment under paragraph (4)—

(a) subject to sub-paragraph (b), the Director may deduct the whole of the amount as was paid to the individual during the period of calculation where the following conditions are met—

(i) the payment was for personal harm or was for a specified purpose; and

(ii) the payment was not for a loss of income;

(b) where a payment for personal harm or a specified purpose includes, in part, an amount for a loss of income—

(i) where the Director is able to ascertain the amount of the part which is for a loss of income, the Director may deduct only the amount of the part which is not for a loss of income; or

(ii) where the Director is not able to ascertain the amount of the part which is for a loss of income, the Director may deduct the whole of the amount,

as was paid to the individual during the period of calculation.

(6) In calculating the disposable income of an individual in accordance with regulation 6(1), the Director may deduct the whole of the amount as was paid to the individual during the period of calculation in respect of any payment within paragraph (4) where there is a direct link between—

(a) the loss or harm suffered by an individual for which the payment has been made; and

(b) the legal service the individual has applied for or receives under section 15 of the Act(**a**).".

(4) In regulation 13 (disposable capital: deductions)—

(a) in paragraph (1)—

(i) after sub-paragraph (a)(iii) omit "and";

(ii) after sub-paragraph (f) insert—

"(g) any Modern Slavery Victim Care Contract or equivalent payment;

(h) any payment of compensation for a miscarriage of justice made under section 133 of the Criminal Justice Act 1988.";

(b) after paragraph (1) insert—

"(1A) To calculate the disposable capital of an individual in accordance with regulation 6(2), the Director may, subject to paragraphs (1B) and (1C), deduct the following amounts—

(a) any payment that meets all of the following conditions—

(i) the payment was made to an individual who is a victim of the fire at Grenfell Tower;

(ii) the payment was made to that individual because the individual is a victim of the fire at Grenfell Tower; and

(iii) the payment was not made directly to the individual by an individual known personally to the individual;

(b) any payment of compensation made under the Victims of Overseas Terrorism Compensation Scheme 2012.

(1B) In determining whether to deduct an amount for any payment within paragraph (1A)—

(a) subject to sub-paragraph (b), the Director may deduct the whole of the amount of the payment where the following conditions are met—

(i) the payment was for personal harm or was for a specified purpose; and

(ii) the payment was not for a loss of income;

(b) where a payment for personal harm or a specified purpose includes, in part, an amount for a loss of income—

(i) where the Director is able to ascertain the amount of the part which is for a loss of income, the Director may deduct only the amount of the part which is not for a loss of income; or

(ii) where the Director is not able to ascertain the amount of the part which is for a loss of income, the Director may deduct the whole of the amount of the payment.

(**a**) 2012 c. 10; section 15 was applied by article 29(1)(b) of S.I. 2018/187.

(1C) In calculating the disposable capital of an individual in accordance with regulation 6(2), the Director may deduct the whole of the amount of any payment within paragraph (1A) where there is a direct link between—

(a) the loss or harm suffered by an individual for which the payment has been made; and

(b) the legal service the individual has applied for or receives under section 15 of the Act.".

(5) In regulation 20 (assessment of resources: gross annual income)—

(a) at the end of paragraph (1) for "paragraph (2)" substitute "paragraphs (2) to (2C)";

(b) in paragraph (2), after sub-paragraph (m) insert—

"(n) any Modern Slavery Victim Care Contract or equivalent payment;

(o) any payment of compensation for a miscarriage of justice made under section 133 of the Criminal Justice Act 1988.";

(c) after paragraph (2) insert—

"(2A) Subject to paragraphs (2B) and (2C), the Director may deduct the following amounts if they are paid to the individual during the period of calculation—

(a) any payment that meets all of the following conditions—

(i) the payment was made to an individual who is a victim of the fire at Grenfell Tower;

(ii) the payment was made to that individual because the individual is a victim of the fire at Grenfell Tower; and

(iii) the payment was not made directly to the individual by an individual known personally to the individual;

(b) any payment of compensation made under the Victims of Overseas Terrorism Compensation Scheme 2012.

(2B) In determining whether to deduct an amount for any payment within paragraph (2A)—

(a) subject to sub-paragraph (b), the Director may deduct the whole of the amount if it is paid to the individual during the period of calculation where the following conditions are met—

(i) the payment was for personal harm or was for a specified purpose; and

(ii) the payment was not for a loss of income;

(b) where a payment for personal harm or a specified purpose includes, in part, an amount for a loss of income—

(i) where the Director is able to ascertain the amount of the part which is for a loss of income, the Director may deduct only the amount of the part which is not for a loss of income; or

(ii) where the Director is not able to ascertain the amount of the part which is for a loss of income, the Director may deduct the whole of the amount,

if it is paid to the individual during the period of calculation.

(2C) In determining whether to deduct an amount for any payment within paragraph (2A), the Director may deduct the whole of the amount if it is paid to the individual during the period of calculation where there is a direct link between—

(a) the loss or harm suffered by an individual for which the payment has been made; and

(b) the legal service the individual has applied for or receives under section 16 of the Act(**a**).".

(6) In regulation 33 (assessment of resources: gross annual income)—

(a) at the end of paragraph (1) for "paragraph (2)" substitute "paragraphs (2) to (2C)";

(b) in paragraph (2), after sub-paragraph (m) insert—

"(n) any Modern Slavery Victim Care Contract or equivalent payment;

(o) any payment of compensation for a miscarriage of justice made under section 133 of the Criminal Justice Act 1988.";

(c) after paragraph (2) insert—

"(2A) Subject to paragraphs (2B) and (2C), the Director may deduct the following amounts if they are paid to the individual during the period of calculation—

(a) any payment that meets all of the following conditions—

(i) the payment was made to an individual who is a victim of the fire at Grenfell Tower;

(ii) the payment was made to that individual because the individual is a victim of the fire at Grenfell Tower; and

(iii) the payment was not made directly to the individual by an individual known personally to the individual;

(b) any payment of compensation made under the Victims of Overseas Terrorism Compensation Scheme 2012.

(2B) In determining whether to deduct an amount for any payment within paragraph (2A)—

(a) subject to sub-paragraph (b), the Director may deduct the whole of the amount if it is paid to the individual during the period of calculation where the following conditions are met—

(i) the payment was for personal harm or was for a specified purpose; and

(ii) the payment was not for a loss of income;

(b) where a payment for personal harm or a specified purpose includes, in part, an amount for a loss of income—

(i) where the Director is able to ascertain the amount of the part which is for a loss of income, the Director may deduct only the amount of the part which is not for a loss of income; or

(ii) where the Director is not able to ascertain the amount of the part which is for a loss of income, the Director may deduct the whole of the amount,

if it is paid to the individual during the period of calculation.

(2C) In determining whether to deduct an amount for any payment within paragraph (2A), the Director may deduct the whole of the amount if it is paid to the individual during the period of calculation where there is a direct link between—

(a) the loss or harm suffered by an individual for which the payment has been made; and

(b) the legal service the individual has applied for or receives under section 16 of the Act.".

(**a**) 2012 c. 10; section 16 was applied by article 29(1)(b) of S.I. 2018/187.

Amendments to the Criminal Legal Aid (Contribution Orders) Regulations 2013

4.—(1) The Criminal Legal Aid (Contribution Orders) Regulations 2013(**a**) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in the definition of "gross annual income" for "regulation 10(2)" substitute "regulation 10(2) to (2C)";

(b) insert at the appropriate places—

""fire at Grenfell Tower" means the fire at Grenfell Tower on 14th June 2017;";

""Grenfell Tower" means Grenfell Tower, Grenfell Road, London, W11 1TG;";

""loss of income" includes past and future loss of income;";

""Modern Slavery Victim Care Contract or equivalent payment" means any payment of government-funded financial assistance made—

(a) in England and Wales under the Modern Slavery Victim Care Contract in accordance with guidance issued by the Secretary of State under section 49 of the Modern Slavery Act 2015;

(b) in Northern Ireland under section 18 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015;

(c) in Scotland under section 9 of the Human Trafficking and Exploitation (Scotland) Act 2015 or regulations made under section 10 of that Act;";

""personal harm" means a non-pecuniary loss or harm caused to an individual;";

""specified purpose" means an essential need of an individual and does not include a payment for financial-only loss;";

""victim of the fire at Grenfell Tower" means an individual who is any one or more of the following—

(a) an individual living in Grenfell Tower on 14th June 2017;

(b) an individual present in Grenfell Tower on 14th June 2017 at the time of the fire at Grenfell Tower;

(c) an individual who was injured in, or as a result of, the fire at Grenfell Tower;

(d) an individual living in a building in the immediate vicinity of Grenfell Tower that was evacuated as a result of the fire at Grenfell Tower;

(e) a member of the family of an individual who died in the fire at Grenfell Tower or is missing in the fire at Grenfell Tower (and an individual is a member of the family of such an individual if the requirements of section 10(6) of the Act are met); or

(f) a personal representative of an individual who died in the fire at Grenfell Tower;";

""the Victims of Overseas Terrorism Compensation Scheme 2012" means the government-funded compensation scheme established under arrangements made by the Secretary of State under section 47 of the Crime and Security Act 2010;".

(**a**) S.I. 2013/483; relevant amending instruments are S.I. 2015/643, 2015/710, 2015/838, 2016/211, 2016/708, 2019/894, 2022/1376.

(3) In regulation 10 (calculation of gross annual income)—

(a) in paragraph (2)—

(i) after sub-paragraph (h) omit "and";

(ii) after sub-paragraph (m) insert—

"(n) any Modern Slavery Victim Care Contract or equivalent payment;

(o) any payment of compensation for a miscarriage of justice made under section 133 of the Criminal Justice Act 1988.";

(b) after paragraph (2) insert—

"(2A) In calculating an individual's gross annual income, the Director may, subject to paragraphs (2B) and (2C), disregard the following amounts received during the period of calculation—

(a) any payment that meets all of the following conditions—

(i) the payment was made to an individual who is a victim of the fire at Grenfell Tower;

(ii) the payment was made to that individual because the individual is a victim of the fire at Grenfell Tower; and

(iii) the payment was not made directly to the individual by an individual known personally to the individual;

(b) any payment of compensation made under the Victims of Overseas Terrorism Compensation Scheme 2012.

(2B) In determining whether to disregard an amount for any payment within paragraph (2A)—

(a) subject to sub-paragraph (b), the Director may disregard the whole of an amount received during the period of calculation where the following conditions are met—

(i) the payment was for personal harm or was for a specified purpose; and

(ii) the payment was not for a loss of income;

(b) where a payment for personal harm or a specified purpose includes, in part, an amount for a loss of income—

(i) where the Director is able to ascertain the amount of the part which is for a loss of income, the Director may disregard only the amount of the part which is not for a loss of income; or

(ii) where the Director is not able to ascertain the amount of the part which is for a loss of income, the Director may disregard the whole of the amount,

received during the period of calculation.

(2C) In determining whether to disregard an amount for any payment within paragraph (2A), the Director may disregard the whole of the amount received during the period of calculation where there is a direct link between—

(a) the loss or harm suffered by an individual for which the payment has been made; and

(b) the legal service the individual has applied for or receives under section 16 of the Act.".

(4) In regulation 28 (calculation of disposable specified capital)—

(a) in paragraph (3) for "Subject to paragraph (3B)" substitute "Subject to paragraphs (3B) to (3E)";

(b) in paragraph (3B), after sub-paragraph (d) insert—

"(e) any Modern Slavery Victim Care Contract or equivalent payment;

(f) any payment of compensation for a miscarriage of justice made under section 133 of the Criminal Justice Act 1988.";

(c) after paragraph (3B) insert—

"(3C) In calculating the amount of an individual's disposable specified capital, the Director may, subject to paragraphs (3D) and (3E), disregard—

(a) any payment that meets all of the following conditions—

(i) the payment was made to an individual who is a victim of the fire at Grenfell Tower;

(ii) the payment was made to that individual because the individual is a victim of the fire at Grenfell Tower; and

(iii) the payment was not made directly to the individual by an individual known personally to the individual;

(b) any payment of compensation made under the Victims of Overseas Terrorism Compensation Scheme 2012.

(3D) In determining whether to disregard any payment within paragraph (3C)—

(a) subject to sub-paragraph (b), the Director may disregard the whole of a payment where the following conditions are met—

(i) the payment was for personal harm or was for a specified purpose; and

(ii) the payment was not for a loss of income;

(b) where a payment for personal harm or a specified purpose includes, in part, an amount for a loss of income—

(i) where the Director is able to ascertain the amount of the part which is for a loss of income, the Director may disregard only the amount of the part which is not for a loss of income; or

(ii) where the Director is not able to ascertain the amount of the part which is for a loss of income, the Director may disregard the whole of the payment.

(3E) In determining whether to disregard any payment within paragraph (3C), the Director may disregard the whole of a payment where there is a direct link between—

(a) the loss or harm suffered by an individual for which the payment has been made; and

(b) the legal service the individual has applied for or receives under section 16 of the Act.".

Transitional Provisions

5.—(1) The amendments made by these Regulations apply to an application for legal services that is—

(a) made before the coming into force date,

(b) has yet to be determined, and

(c) as at the coming into force date, has not been withdrawn.

(2) Paragraph (3) applies where—

(a) the individual's application for representation under section 16 of the Act was determined before the coming into force date, and

(b) the criminal proceedings(**a**) for which the individual applied for representation under section 16 of the Act have not concluded.

(3) Where this paragraph applies the 2013 Criminal Means Regulations are to be read as if—

(a) in regulation 27 (renewal of application)—

(i) after paragraph (a) "or" were omitted;

(ii) after paragraph (b) there were inserted—

"; or

(c) regulation 20(2)(n) or (o), or (2A) to (2C) might affect whether the individual is eligible in accordance with section 21(1) of the Act for representation under section 16 of the Act.";

(b) in regulation 36 (renewal of application)—

(i) after paragraph (a) "or" were omitted;

(ii) after paragraph (b) there were inserted—

"; or

(c) regulation 33(2)(n) or (o), or (2A) to (2C) might affect whether the individual is eligible in accordance with section 21(1) of the Act for representation under section 16 of the Act.".

(4) Where—

(a) an individual renews an application under regulations 27(c) or 36(c) of the 2013 Criminal Means Regulations as read under paragraph (3)(a) or (b), and

(b) the Director makes a determination that an individual is eligible in accordance with section 21(1) of the Act for representation under section 16 of the Act,

regulation 23 (determinations) of the Criminal Legal Aid (General) Regulations 2013(**b**) is to be read as if in paragraph (2)(b) for "a date which is no later than the date on which the application was received" there were substituted "the date on which the Civil and Criminal Legal Aid (Financial Resources and Contribution Orders) (Amendment) Regulations 2024 came into force".

(5) Paragraph (6) applies where—

(a) the individual's application for legal representation or family help (higher) was determined before the coming into force date,

(b) the individual is required to pay a contribution under regulation 44 (contributions) of the 2013 Civil Means Regulations, and

(c) regulations 24(1)(y) to (z1), (3A)(c), or (3B) to (3E), 39(3) or 40(1)(k) to (n), (2A)(c) to (d), or (2B) to (2E) of the 2013 Civil Means Regulations may have applied if the determination of the individual's financial resources had been made on or after the coming into force date.

(6) Where this paragraph applies, regulation 20 (further determinations) of the 2013 Civil Means Regulations is to be read as if—

(a) after paragraph (2) there were inserted—

"(2A) Where the individual requests that the Director make a further determination, the Director must, subject to paragraph (7), make a further determination in respect of the individual's financial resources, and the contribution (if any) payable in accordance with these Regulations.";

(**a**) "criminal proceedings" has the same meaning as in section 14 (criminal proceedings) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10); section 14 was applied by article 29(1)(b) of S.I. 2018/187.

(**b**) S.I. 2013/9, to which there are amendments not relevant to these Regulations.

(b) for paragraph (3) there were substituted—

"(3) For the purposes of the further determination—

(a) under paragraph (1) or (2), the period of calculation must be the period of one month following the date of the change of circumstances or such other period of one month as the Director considers appropriate;

(b) under paragraph (2A), the period of calculation must be the period of one month beginning with the date on which the Civil and Criminal Legal Aid (Financial Resources and Contribution Orders) (Amendment) Regulations 2024 came into force, or such other period of one month as the Director considers appropriate.";

(c) after paragraph (6) there were inserted—

"(6A) Where a determination that the individual is liable to make a contribution is withdrawn or varied as a result of a further determination under paragraph (2A), the Director may take such steps as appear equitable to give effect to the further determination in relation to the period—

(a) beginning with the date on which the Civil and Criminal Legal Aid (Financial Resources and Contribution Orders) (Amendment) Regulations 2024 came into force; and

(b) the date on which the further determination is made.";

(d) in paragraph (7) for "paragraph (1) or (2)" there were substituted "paragraph (1), (2) or (2A)".

(7) Paragraph (8) applies where—

(a) the individual's application for representation in Crown Court proceedings under section 16 of the Act was determined before the coming into force date,

(b) the individual is required to make a payment under—

(i) an income contribution order in accordance with regulation 16 (income contribution order: general) of the 2013 Criminal Contribution Regulations, or

(ii) a capital contribution order in accordance with regulation 32 (capital contribution order: general) of the 2013 Criminal Contribution Regulations, and

(c) regulations 10(2)(n) or (o), or (2A) to (2C), or 28(3B)(e) or (f), or (3C) to (3E) of the 2013 Criminal Contribution Regulations may have applied if the determination of the individual's financial resources had been made on or after the coming into force date.

(8) Where this paragraph applies the 2013 Criminal Contribution Regulations are to be read as if—

(a) in regulation 18 (reassessment by the Director of income and liability to make a payment)—

(i) for paragraph (1)(d) there were substituted—

"(d) an individual—

(i) notifies the Director of a change in financial circumstances in accordance with regulation 17; or

(ii) requests that the Director reassess the individual's income,";

(ii) after paragraph (2) there were inserted—

"(3) Where an individual requests that the Director reassess the individual's income under paragraph (1)(d)(ii), the individual must provide the Director with documentary evidence—

(a) relating to the individual's financial resources which may fall within regulation 10(2)(n) or (o), or (2A) to (2C); and

(b) which is necessary to enable the Director to reassess the individual's income.";

(b) in regulation 19(4) (determination by the Director of liability to make a payment following reassessment of income)—

(i) after sub-paragraph (a) "or" were omitted;

(ii) in sub-paragraph (b) after "regulation 18(1)(d)" there were inserted "(i)";

(iii) after sub-paragraph (b) there were inserted—

"; or

(c) where the reassessment took place in accordance with regulation 18(1)(d)(ii), the date on which the Civil and Criminal Legal Aid (Financial Resources and Contribution Orders) (Amendment) Regulations 2024 came into force.";

(c) in regulation 20(2) (withdrawal by the Director of a determination of liability to make a payment following reassessment of income)—

(i) after sub-paragraph (a) "or" were omitted;

(ii) in sub-paragraph (b) after "regulation 18(1)(d)" there were inserted "(i)";

(iii) after sub-paragraph (b) there were inserted—

"; or

(c) where the reassessment took place in accordance with regulation 18(1)(d)(ii), the date on which the Civil and Criminal Legal Aid (Financial Resources and Contribution Orders) (Amendment) Regulations 2024 came into force.";

(d) in regulation 21 (variation by the Director of liability to make a payment following reassessment of income)—

(i) at the end of paragraph (1) there were inserted "or (3) as applicable";

(ii) at the beginning of paragraph (2) for "The" there were substituted "Where the individual's disposable annual income is reassessed under regulation 18(1)(a), (b), (c) or (d)(i), the";

(iii) after paragraph (2) there were inserted—

"(3) Where the individual's disposable annual income is reassessed under regulation 18(1)(d)(ii), the Director must—

(a) vary the determination in respect of the amount of the payment so that any payment or payments under the income contribution order after the date on which the Civil and Criminal Legal Aid (Financial Resources and Contribution Orders) (Amendment) Regulations 2024 came into force are of one twelfth of 90 per cent of the individual's disposable annual income as calculated on reassessment; and

(b) amend the income contribution order accordingly.".

(e) in regulation 22 (liability to overdue payments under an income contribution order following reassessment of income)—

(i) in paragraph (2) after "regulation 18(1)(d)" there were inserted "(i)";

(ii) after paragraph (2) there were inserted—

"(2A) Where the reassessment took place in accordance with regulation 18(1)(d)(ii) and the determination is withdrawn in accordance with regulation 20 as a result of the reassessment, the Director must notify the individual that the individual remains liable to the overdue payment or payments which were required to be made—

(a) before the date on which the Civil and Criminal Legal Aid (Financial Resources and Contribution Orders) (Amendment) Regulations 2024 came into force; or

(b) on or before the date of the conclusion of the proceedings,

whichever is the earlier.";

(iii) in paragraph (3) after "the reassessment" there were inserted "under regulation 18(1)(a), (b), (c) and (d)(i)";

(iv) after paragraph (3) there were inserted—

"(3A) Where the individual's liability increases or decreases as a result of the reassessment under regulation 18(1)(d)(ii), the Director must notify the individual that the individual is liable to the overdue payment or payments (adjusted under paragraph (4) where relevant) which were required to be made—

(a) before the date on which the Civil and Criminal Legal Aid (Financial Resources and Contribution Orders) (Amendment) Regulations 2024 came into force; or

(b) (where the proceedings have concluded) on or before the date of the conclusion of the proceedings.";

(v) in paragraph (4) after "paragraph (3)" there were inserted "or (3A)";

(vi) in paragraph (5)—

(aa) after sub-paragraph (a) "or" were omitted;

(bb) in sub-paragraph (b) after "regulation 18(1)(d)" there were inserted "(i)";

(cc) after sub-paragraph (b) there were inserted—

"; or

(c) where the reassessment took place in accordance with regulation 18(1)(d)(ii), the date on which the Civil and Criminal Legal Aid (Financial Resources and Contribution Orders) (Amendment) Regulations 2024 came into force.";

(f) in regulation 23 (determination by the Director of liability to make an additional payment following reassessment of income)—

(i) at the beginning of paragraph (2) for "The" there were substituted "Where the reassessment took place under regulation 18(1)(a), (b), (c) or (d)(i), the";

(ii) after paragraph (2) there were inserted—

"(2A) Where the reassessment took place under regulation 18(1)(d)(ii), the Director must make a determination that the individual is liable to an additional payment of the amount of the difference between—

(a) the total amount of the payment or payments which were required to be made—

(i) before the date on which the Civil and Criminal Legal Aid (Financial Resources and Contribution Orders) (Amendment) Regulations 2024 came into force; or

(ii) (where the proceedings have concluded) on or before the date of the conclusion of the proceedings; and

(b) the total amount of the equivalent payment or payments which the individual would have been required to make, had the payments from the relevant date been of one twelfth of 90 per cent of the individual's disposable annual income as calculated on reassessment.";

(iii) in paragraph (4)—

(aa) after sub-paragraph (a) "or" were omitted;

(bb) in sub-paragraph (b) after "regulation 18(1)(d)" there were inserted "(i)";

(cc) after sub-paragraph (b) there were inserted—

"; or

(c) where the reassessment took place in accordance with regulation 18(1)(d)(ii), the date on which the Civil and Criminal Legal Aid (Financial Resources and Contribution Orders) (Amendment) Regulations 2024 came into force.";

(g) in regulation 24(5) (repayment following reassessment of income)—

(i) after sub-paragraph (a) "or" were omitted;

(ii) in sub-paragraph (b) after "regulation 18(1)(d)" there were inserted "(i)";

(iii) after sub-paragraph (b) there were inserted—

"; or

(c) where the reassessment took place in accordance with regulation 18(1)(d)(ii), the date on which the Civil and Criminal Legal Aid (Financial Resources and Contribution Orders) (Amendment) Regulations 2024 came into force.";

(h) in regulation 35 (reassessment by the Director of capital and liability to make a payment) the existing text of the regulation became paragraph (1) and—

(i) for sub-paragraph (d) of that paragraph there were substituted—

"(d) an individual—

(i) notifies the Director of a change in financial circumstances in accordance with regulation 34, and does so—

(aa) within 28 days of the date on which the capital contribution order was issued; or

(bb) otherwise with a reasonable excuse; or

(ii) requests that the Director reassess the individual's capital, and does so—

(aa) within 28 days of the date on which the capital contribution order was issued; or

(bb) otherwise with a reasonable excuse,";

(ii) after that paragraph there were inserted—

"(2) Where an individual requests that the Director reassess the individual's capital under paragraph (1)(d)(ii), the individual must provide the Director with documentary evidence—

(a) relating to the individual's financial resources which may fall within regulation 28(3B)(e) or (f), or (3C) to (3E); and

(b) which is necessary to enable the Director to reassess the individual's capital.".

(9) For the purpose of this regulation, an application is made on the date that it is received by the Director.

(10) In this regulation—

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

"the 2013 Civil Means Regulations" means the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013(**a**);

(**a**) S.I. 2013/480; relevant amending instruments are S.I. 2013/591, 2015/643, 2015/838, 2016/211, 2016/708, 2017/745, 2019/505 as amended by 2020/1493, 2019/894, 2019/1396, 2020/1584, 2021/1423, 2022/1376.

"the 2013 Criminal Contribution Regulations" means the Criminal Legal Aid (Contribution Orders) Regulations 2013(**a**);

"the 2013 Criminal Means Regulations" means the Criminal Legal Aid (Financial Resources) Regulations 2013(**b**);

"coming into force date" means the date on which these Regulations come into force;

"family help (higher)" has the same meaning as in regulation 15 (family help) of the Civil Legal Aid (Merits Criteria) Regulations 2013(**c**);

"legal representation" has the same meaning as in regulation 18 (legal representation) of the Civil Legal Aid (Merits Criteria) Regulations 2013.

Heidi Alexander
Minister of State
Ministry of Justice

28th October 2024

(**a**) S.I. 2013/483; relevant amending instruments are S.I. 2015/643, 2015/710, 2015/838, 2016/211, 2016/708, 2019/894, 2022/1376.
(**b**) S.I. 2013/471, amended by S.I. 2013/2791; there are other amending instruments but none is relevant.
(**c**) S.I. 2013/104, amended by S.I. 2019/1396; there are other amending instruments but none is relevant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 (S.I. 2013/480), the Criminal Legal Aid (Financial Resources) Regulations 2013 (S.I. 2013/471), the Criminal Legal Aid (Contribution Orders) Regulations 2013 (S.I. 2013/483) and the Criminal Legal Aid (General) Regulations 2013 (S.I. 2013/9). These Regulations make provision about the rules the Director of Legal Aid Casework (the "Director") must apply to determine whether an individual's financial resources are such that the individual is eligible for civil and criminal legal services under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (the "Act") and the liability of an individual to pay a contribution towards the cost of the civil and criminal legal services received.

Regulation 2 amends the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013. It amends regulations 24 and 40 to ensure that in the assessment of an individual's income and capital resources, certain payments are disregarded. For income and capital, these are government-funded financial support payments made to victims of modern slavery and human trafficking, redress payments made to and for survivors of historical child abuse under the Historical Institutional Abuse (Northern Ireland) Act 2019 (c. 31) and the Redress for Survivors (Historical Child Abuse in Care) Scotland Act 2021 (asp 15), miscarriages of justice compensation payments under section 133 of the Criminal Justice Act 1988 (c. 33), payments made under the Infected Blood Interim and Further Interim Compensation Payment Schemes, and the Infected Blood Compensation Scheme established by regulations made under section 49 of the Victims and Prisoners Act 2024 (c. 21). For capital only, these are payments of arrears for benefits and child maintenance received by an individual within the period of two years preceding the application for civil legal services. Regulation 2 further amends regulations 24 and 40 to give the Director the discretion to disregard certain payments when assessing an individual's financial resources. Payments of compensation made under the Victims of Overseas Terrorism Compensation Scheme 2012 may be disregarded when assessing an individual's income and capital resources, and payments of arrears for benefits and child maintenance received on a date falling more than two years before the date of the application for civil legal services may be disregarded when assessing capital resources.

Regulation 2 also amends regulations 24 and 40 to provide the Director with a discretion to disregard, in full or in part, any compensation, damages, insurance or ex gratia payment from the assessment of both income and capital where this is for personal harm or a specified purpose and is not for a loss of income. Payments, including those for a loss of income, may also be disregarded in full where the civil legal service applied for or received by the individual directly relates to the harm or loss suffered by the individual for which the payment was made. It further confirms how the Director must apply the discretion when determining whether to disregard any of the payments listed as discretionary within regulations 24 and 40.

Regulation 2 amends regulation 39 to extend the current equity disregard for an individual's interest in their main or only dwelling to those at risk of domestic violence who have temporarily left but intend to return to reside in the main or only dwelling. Finally, it confirms that regulation 42 does not apply to interim payments which fall to be considered under regulation 40.

Regulation 3 amends regulations 11, 13, 20 and 33 of the Criminal Legal Aid (Financial Resources) Regulations 2013 by requiring government-funded financial support payments made to victims of modern slavery and human trafficking and miscarriages of justice compensation payments

under section 133 of the Criminal Justice Act 1988 to be deducted by the Director when assessing an individual's income and capital resources and gives the Director a discretion to deduct payments made to the victims of the fire at Grenfell Tower subject to certain conditions, and payments of compensation made under the Victims of Overseas Terrorism Compensation Scheme 2012. It also sets out how the Director's discretion is to be applied when determining whether to deduct a payment which falls within the discretionary category.

Regulation 4 amends regulations 10 and 28 of the Criminal Legal Aid (Contribution Orders) Regulations 2013 to ensure that when calculating an individual's contribution liability for criminal legal aid, the Director disregards government-funded financial support payments made to victims of modern slavery and human trafficking and compensation payments for miscarriages of justice under section 133 of the Criminal Justice Act 1988 from an individual's income and capital. It also gives the Director a discretion to disregard payments made to the victims of the fire at Grenfell Tower subject to certain conditions, and compensation payments made under the Victims of Overseas Terrorism Compensation Scheme 2012 from an individual's income and capital. It also confirms how discretion is to be applied by the Director when determining whether to disregard a payment which falls within the discretionary category.

Regulation 5 provides transitional provisions in relation to applications for legal aid that have been received by the Director before the coming into force of the regulations but have not yet been determined, by permitting those applications to be subject to the regulations as amended. It further allows individuals whose applications for criminal legal aid under section 16 of the Act were refused on the basis of financial ineligibility to renew their applications for consideration under the amended regulations. It also provides a mechanism for individuals whose applications for legal aid were determined before the coming into force date and who are required to pay a financial contribution towards the cost of their legal aid to benefit from the amended regulations by requesting the Director undertake a reassessment of their financial resources.

An impact assessment was published alongside the Government Response to the Means Test Review in relation to the majority of changes made by this instrument. For those changes in this instrument that were not consulted upon as part of the Means Test Review (extending the discretionary disregard for payments to victims of the fire at Grenfell Tower to criminal legal aid, extending the mandatory disregard for Scotland and Northern Ireland redress scheme payments made to and for survivors of historical child abuse to the income means assessment in addition to capital for civil legal aid, and introducing new disregards for compensation payments for miscarriages of justice under section 133 of the Criminal Justice Act 1988, under the Infected Blood Interim and Further Interim Compensation Payment Schemes, and the Infected Blood Compensation Scheme), an impact assessment has not been produced as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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