STATUTORY INSTRUMENTS

2025 No. 750

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Criminal and Civil Legal Aid (Amendment) Regulations 2025

Made - - - -	*25th June 2025*
Laid before Parliament	*26th June 2025*
Coming into force - -	*27th June 2025*

The Lord Chancellor makes these Regulations in exercise of the powers conferred by sections 5(2) and (4) to (7), 12(2), 18(3), (4)(a), (b), (c) and (h), 21(2), (5) and (6)(b) and (g), 23(2), (5), (8), (9) and (11) and 41(1)(a) and (b), (2), and (3)(a) and (c) 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 Criminal and Civil Legal Aid (Amendment) Regulations 2025 and come into force on 27th June 2025.

(2) These Regulations extend to England and Wales.

Amendment of the Civil Legal Aid (Procedure) Regulations 2012

2.—(1) The Civil Legal Aid (Procedure) Regulations 2012(**b**) are amended as follows.

(2) Omit regulation 36 (determinations: contributions).

(3) In regulation 37 (certificates)—

(a) for paragraph (1) substitute—

"(1) When the Director makes a determination that an individual qualifies for Licensed Work, the Director must issue a certificate recording the determination and send the certificate to the provider.";

(b) in paragraph (8), after "recording that determination and", insert "(except where the provider, acting under an authorisation on behalf of the Director, has withdrawn the determination)".

(4) In regulation 39 (authorised representation), omit paragraph (3).

(5) In regulation 43 (reasons)—

(a) in paragraph (2), for "In the circumstances" substitute "Subject to paragraph (3), in the circumstances";

(b) after paragraph (2), insert—

(**a**) 2012 c. 10; see section 42(1) for the definition of "regulations".
(**b**) S.I. 2012/3098. This SI has been amended on a number of occasions, but none are relevant.

"(3) Paragraph (2) does not apply in respect of a provider or proposed provider if they have carried out any of the actions described in paragraph (1).".

(6) In regulation 52 (determinations)—

(a) in paragraph (2)(c), for "must be revoked" substitute "must be withdrawn";

(b) omit paragraph (3).

Amendment of the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013

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

(2) In regulation 6 (individuals in receipt of certain support), omit paragraph (4)(b).

(3) Regulation 14(1) (calculations) is amended as follows—

(a) after paragraph (a), insert "and";

(b) after paragraph (b), omit "and";

(c) omit paragraph (c).

(4) In regulation 15(2) (application in representative, fiduciary or official capacity), omit ", and the amount of any contribution to be paid".

(5) In regulation 17 (deprivation or conversion of resources), in the introductory wording, omit "reducing the individual's liability to pay a contribution,".

(6) In regulation 18(c) (duty to report change in financial circumstances), omit "or the amount, if any, of any contribution payable".

(7) In regulation 19(a) (amendment of determination due to error or receipt of new information), omit "or the amount of any contribution payable,".

(8) In regulation 20 (further determinations)—

(a) in paragraph (1), omit ", and the contribution (if any) payable";

(b) in paragraph (2), omit ", and contribution (if any) payable";

(c) omit paragraphs (5) and (6).

(9) Omit regulations 44 (contributions) and 45 (contributions where more than one certificate in force).

Amendment of the Criminal Legal Aid (General) Regulations 2013

4.—(1) The Criminal Legal Aid (General) Regulations 2013(**b**) are amended as follows.

(2) In regulation 23 (determinations)—

(a) at the end of paragraph (1)(b), insert "(except the provider who, acting under an authorisation on behalf of the Director, made the determination)";

(b) at the beginning of paragraph (2), insert "Subject to paragraph (2A),";

(c) after paragraph (2), insert—

"(2A) Where a representation order is issued by a provider, acting under an authorisation on behalf of the Director, it must specify that the determination is to be treated as having effect from the date on which the determination was made by the provider.".

(**a**) S.I. 2013/480, as amended by S.I. 2019/505, S.I. 2019/1396 and S.I. 2021/1423.
(**b**) S.I. 2013/9, amended by S.I. 2013/2790; there are other amending instruments but none are relevant.

(3) In regulation 24 (determinations: proceedings in the magistrates' court)—

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

(b) after paragraph (2), insert—

"(3) Where a provider, acting under an authorisation on behalf of the Director, makes a determination under section 16 of the Act in accordance with Part 3 of the Financial Resources Regulations that an individual is eligible for representation for proceedings in the magistrates' court, paragraph (1) does not apply.".

(4) In regulation 26 (withdrawal), in paragraph (3)—

(a) in sub-paragraph (b), after "determination", insert "(except a provider who, acting under an authorisation on behalf of the Director, has withdrawn the determination)";

(b) at the end of sub-paragraph (c), insert "(except any such advocate who is the provider who, acting under an authorisation on behalf of the Director, has withdrawn the determination)".

(5) In regulation 27 (review)—

(a) in paragraph (6), at the beginning of sub-paragraph (c), insert "subject to paragraph (6A),";

(b) after paragraph (6), insert—

"(6A) Where a provider, acting under an authorisation on behalf of the Director, made the original determination, the date of any representation order issued in accordance with paragraph (6)(b) must be the date on which the original determination was made.".

Amendment of the Criminal Legal Aid (Financial Resources) Regulations 2013

5. In regulation 29 (withdrawal of a determination) of the Criminal Legal Aid (Financial Resources) Regulations 2013(**a**)—

(a) in paragraph (b), after "determination", insert "(except a provider who, acting under an authorisation on behalf of the Director, has withdrawn the determination)";

(b) at the end of paragraph (c), insert "(except any such advocate who is the provider who, acting under an authorisation on behalf of the Director, has withdrawn the determination)".

Transitional provisions

6.—(1) Subject to paragraph (3), these regulations apply to any determination that an individual qualifies for civil legal services under section 9 (general cases) or 10 (exceptional cases) ("relevant civil determination") of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ("the Act") and any determinations made under section 16 (representation for criminal proceedings) ("relevant criminal determination") of the Act.

(2) Where—

(a) a relevant civil determination is made before 27th June 2025,

(b) that determination has not been withdrawn before 27th June 2025,

(c) that determination was made subject to the requirement to pay a contribution, and

(d) any part of that contribution is due on or after 27th June 2025,

payment of that part of that contribution is waived.

(3) Where—

(**a**) S.I. 2013/471, amended by S.I. 2013/2791; there are other amending instruments but none are relevant.

(a) a relevant civil determination is made before 27th June 2025 ("the initial determination"),

(b) the initial determination was made subject to the requirement to pay a contribution,

(c) the initial determination is withdrawn on or after 27th June 2025, and

(d) the individual receives a new determination on or after 27th June 2025 which relates to the same legal services for the same matter for which civil legal services were authorised under the initial determination ("the new determination"),

the new determination must be treated as if it were the initial determination and paragraph (2) does not apply.

(4) Paragraph (5) applies to a relevant criminal determination where—

(a) an individual instructed a provider (either in-person or remotely) to make an application for representation under section 16 of the Act for the purposes of criminal proceedings before 27th June 2025,

(b) the provider was unable to submit that application to the Legal Aid Agency for determination on or after 7th May 2025, and

(c) the Director makes a relevant criminal determination in relation to that application on or after 27th June 2025.

(5) Where this paragraph applies, the Criminal Legal Aid (General) Regulations 2013 must be read as if—

(a) in regulation 2 (interpretation), there were inserted at the appropriate place—

""the Legal Aid Agency" means the executive agency of the Ministry of Justice established by arrangements under section 4(2) of the Act;";

(b) in regulation 23 (determinations)—

(i) for paragraph (2)(b) there were substituted—

"(b) must specify that the determination is to be treated as having effect from either 7th May 2025 or the date on which the individual instructed the provider to make an application to the Legal Aid Agency in relation to the criminal proceedings, whichever is the later.";

(ii) for paragraph (2A) there were substituted—

"(2A) Where a representation order is issued by a provider, acting under an authorisation on behalf of the Director, it must specify that the determination is to be treated as having effect from either 7th May 2025 or the date on which the individual instructed the provider to make an application to the Legal Aid Agency in relation to the criminal proceedings, whichever is the later.";

(c) in regulation 27 (review)—

(i) for paragraph (6)(c) there were substituted—

"(c) subject to paragraph (6A), the date of any representation order issued in accordance with sub-paragraph (b) must be 7th May 2025 or the date on which the individual instructed the provider to make an application to the Legal Aid Agency in relation to the criminal proceedings, whichever is the later.";

(ii) for paragraph (6A) there were substituted—

"(6A) Where a provider, acting under an authorisation on behalf of the Director, made the original determination, the date of any representation order issued in accordance with paragraph (6)(b) must be 7th May 2025 or the date on which the individual instructed the

provider to make an application to the Legal Aid Agency in relation to the criminal proceedings, whichever is the later.";

(d) in regulation 29 (appeal: magistrates' court), for paragraph (4) there were substituted—

"(4) Where an individual applies to the Director under paragraph (3)—

(a) if the individual states in writing, verified by a statement of truth, that the individual's financial resources have not changed since the date the individual instructed the provider (either in-person or remotely) to make an application to the Legal Aid Agency for the purposes of criminal proceedings, so as to make the individual financially ineligible for representation under section 21 of the Act (financial resources) and regulations made under that section, the Director must—

(i) make a determination that the individual qualifies for representation; and

(ii) treat the determination as having effect from either 7th May 2025 or the date on which the individual instructed the provider to make the application to the Legal Aid Agency in relation to the criminal proceedings, whichever is the later.

(b) if the individual's financial resources may have so changed since the date the individual instructed the provider (either in-person or remotely) to make an application to the Legal Aid Agency for the purposes of criminal proceedings, the Director—

(i) must determine whether the individual qualifies for representation in accordance with section 21 of the Act and regulations made under that section; and

(ii) if the individual does so qualify, the Director must make the determination in accordance with paragraph (4A).

(4A) Where the individual was determined to be—

(a) financially eligible for representation under section 21 of the Act before the determination in paragraph (4)(b), the Director must treat the determination as having effect from either 7th May 2025 or the date the individual instructed the provider (either in-person or remotely) to make the application to the Legal Aid Agency in relation to the criminal proceedings, whichever is the later;

(b) financially ineligible for representation under section 21 of the Act before the determination in paragraph (4)(b), the Director must treat the determination as having effect from the date of the change in the individual's financial resources.".

(6) In this regulation "the Legal Aid Agency" means the executive agency of the Ministry of Justice established by arrangements under section 4(2) of the Act.

Signed by authority of the Lord Chancellor

Sarah Sackman
Minister of State
Ministry of Justice

25th June 2025

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Civil Legal Aid (Procedure) Regulations 2012 (S.I. 2012/3098), ("the Procedure Regulations"), the Civil Legal Aid (Financial Resources and Payment for Services) Regulations 2013 (S.I. 2013/480) ("the Civil Means Regulations"), the Criminal Legal Aid (General) Regulations 2013 (S.I. 2013/2790) ("the General Regulations") and the Criminal Legal Aid (Financial Resources) Regulations 2013 (S.I. 2013/471) ("the Criminal Means Regulations").

The Procedure Regulations make provision about the making and withdrawal of determinations that an individual qualifies for civil legal services under sections 9 and 10 of the Legal Aid Sentencing and Punishment of Offenders Act 2012 (c. 10) ("the Act"). Regulation 2 of these Regulations amends the Procedure Regulations to remove the requirement for contributions to be made. It removes the restrictions on the delegation by the Director of Legal Aid Casework ("the Director") to legal aid providers in relation to issuing certificates recording determinations in relation to authorised representation, amending limitations or conditions to which determinations are subject, the withdrawal of determinations, and the ability to conduct a review in relation to authorised representation. Additionally this SI removes requirements on the Director to provide a copy of a certificate to an individual and a requirement that, if delegated to providers, a provider would have to notify themselves of a determination. They also amend the Procedure Regulations so that in relation to emergency representation, where following the provision of further information, the Director determines that an individual does not qualify for relevant legal services, such determination must be withdrawn. Previously the requirement was that such determination must be revoked.

The Civil Means Regulations make provision about the rules the Director must apply to determine whether an individual's financial resources are such that they are eligible for civil legal services under Part 1 of the Act. These Regulations make a number of changes to the Civil Means Regulations which have the effect of removing the requirement for individuals to pay capital or income contributions in relation to civil legal aid.

The General Regulations make provision about the making and withdrawal of determinations that an individual qualifies for criminal legal services under Part 1 of the Act. Regulation 4 of these Regulations amends the General Regulations to provide that where a provider, authorised by the Director, either issues a representation order recording a determination or withdraws a determination, they are not required to send written notification of this to themselves. The amendments also provide that where a provider determines an individual is eligible for representation in proceedings in the magistrates' court, or there is a review of either a provider's determination that someone does not qualify for representation or withdrawal of a determination on interest of justice grounds, the commencement date of any subsequent representation order is the date the determination was made by the provider. It further excludes providers from the requirement to also determine that an individual is financially eligible for representation in the Crown Court where they have made a determination in the same proceedings that an individual is financially eligible for representation in the magistrates' court.

The Criminal Means Regulations make provision for the rules the Director must apply to determine whether an individual's financial resources are such that the individual is eligible for criminal legal services under Part 1 of the Act. Regulation 5 of these Regulations amends the Criminal Means Regulations to prevent a provider who issues a representation order recording a determination from being required to send written notification of this to themselves.

Regulation 6 of these regulations sets out transitional provisions. The effect of the transitional provisions is to apply these Regulations to ongoing cases where civil or criminal legal aid has already been made available. They also ensure that, where an individual has received a determination that they qualify for civil legal aid before these Regulations come into force and that determination is subject to the making of contributions, that from the date these Regulations come into force, any such contributions will be waived. Further, these regulations will not apply in circumstances where an individual has already received civil legal aid services, subject to a contribution, and seeks to withdraw that determination and re-apply under the new provisions in relation to the same legal matter, nor will the waiver of contributions set out in regulation 6(2) apply to such cases. Finally, these transitional provisions ensure that where providers have been unable to submit applications for representation under section 16 of the Act for determination by the Legal Aid Agency, any determinations made after 27th June 2025 will be backdated to either 7th May 2025 or the date the individual instructed the provider to make an application, whichever is the later.

A full impact assessment has not been prepared for this instrument because of the estimated low impact of these operational changes on the public sector. A review of potential impacts has been included within the Explanatory Memorandum which is published alongside this instrument (on www.legislation.gov.uk).

© Crown Copyright 2025

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

£8.14

http://www.legislation.gov.uk/id/uksi/2025/750

ISBN 978-0-34-827319-9

9 780348 273199