EXPLANATORY MEMORANDUM TO

THE CRIMINAL DEFENCE SERVICE (GENERAL) (No.2) (AMENDMENT) REGULATIONS 2007

No. 780

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These regulations provide for an increase in the financial eligibility limits in respect of advice and assistance available under the Criminal Defence Service.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 These Regulations amend the Criminal Defence Service (General)(No 2) Regulations 2001 (S.I. 2001/1437). They are made under section 13 of the Access to Justice Act 1999 which allows for the prescribing of circumstances in which advice and assistance, including advocacy assistance, may be publicly funded. The regulations are subject to the negative resolution procedure (section 25(10) of the 1999 Act).

5. Extent

5.1 The Regulations apply only to England and Wales.

6. European Convention on Human Rights

6.1 No statement is required, as the instrument is subject to the negative resolution procedure and does not amend primary legislation.

7. Policy background

7.1 The Government is committed to raising the financial eligibility limits for advice and assistance and advocacy assistance to reflect the increases to benefits and allowances. An increase in line with RPI (3.6% as at September 2006), reflects the increase in cost of living and includes housing costs so reflecting a true disposable income for the purposes of these calculations. Previous increases to the eligibility limits were made in 2002, 2003 and 2005.

8. Impact

8.1 No Regulatory Impact Assessment has been prepared because there is no regulatory impact on any part of the private or voluntary sector. There are no implications for the Exchequer.

9. Contact

9.1 Any enquiries about the contents of this memorandum should be addressed to David Stobie, Legal Aid Strategy Directorate, at the Department of Constitutional Affairs (tel 020 7210 8686; email david.stobie@dca.gsi.gov.uk).