STATUTORY INSTRUMENTS

2010 No. 141

LEGAL SERVICES COMMISSION, ENGLAND AND WALES

The Criminal Defence Service (Information Requests) (Prescribed Benefits) (Amendment) Regulations 2010

Made - - - -	*26th January 2010*
Laid before Parliament	*28th January 2010*
Coming into force - -	*1st March 2010*

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by section 26 of, and paragraph 8(2) of Schedule 3 to, the Access to Justice Act 1999(**a**).

Citation and commencement

1. These Regulations may be cited as the Criminal Defence Service (Information Requests) (Prescribed Benefits) (Amendment) Regulations 2010 and come into force on 1st March 2010.

Amendments to the Criminal Defence Service (Information Requests) (Prescribed Benefits) Regulations 2009

2. The Criminal Defence Service (Information Requests) (Prescribed Benefits) Regulations 2009(**b**) are amended as follows.

3. In regulation 1(3) for "paragraph 2A of Schedule 3 to" substitute "section 17A(**c**) of, or, as the case may be, paragraph 2A of Schedule 3 to,".

4. After regulation 2 insert—

"**2A.** The benefits prescribed for the purposes of paragraph 6(3)(ca) of Schedule 3 to the 1999 Act(**d**) are—

(a) child benefit under section 141 of the Social Security Contributions and Benefits Act 1992(**e**);

(b) child tax credit under Part 1 of the Tax Credits Act 2002(**f**);

(**a**) 1999 c. 22. Section 26, which was amended by section 2(6) of the Criminal Defence Service Act 2006 (c. 9), contains definitions of "regulations", "relevant authority" and "prescribed". The reference to the Lord Chancellor in the definition of "regulations" was changed to the Secretary of State by S.I. 2003/1887 and changed back to the Lord Chancellor by S.I. 2005/3429. Paragraph 8 of Schedule 3 was inserted by section 57 of the Criminal Justice and Immigration Act 2008 (c. 4) and amended by section 151 of the Coroners and Justice Act 2009 (c. 25).

(**b**) S.I. 2009/212.

(**c**) Section 17A was inserted by section 3(3) of the Criminal Defence Service Act 2006 and amended by section 151 of the Coroners and Justice Act 2009.

(**d**) Paragraph 6(3)(ca) was inserted by section 151 of the Coroners and Justice Act 2009.

(**e**) 1992 c. 4.

(**f**) 2002 c. 21.

(c) working tax credit under Part 1 of the Tax Credits Act 2002;

(d) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992.".

Signed by authority of the Lord Chancellor

Bach
Parliamentary Under Secretary of State
Ministry of Justice

26th January 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Defence Service (Information Requests) (Prescribed Benefits) Regulations 2009, which prescribe those benefits about which information may be sought from the Secretary of State in order to facilitate the making of decisions about an individual's financial eligibility for publicly funded representation in criminal cases in magistrates' courts. These Regulations provide that the same information may be sought in relation to the making of an order requiring the individual to pay a contribution to the costs of representation in the Crown Court (regulation 3). This provision is consequent on an amendment to the provisions on contribution orders in the Access to Justice Act 1999 made by section 151 of the Coroners and Justice Act 2009. The Regulations also prescribe those benefits about which information may be sought from the Commissioners for Her Majesty's Revenue and Customs (regulation 4), consequent on the amendments made by section 151.

An impact assessment relating to the introduction of contribution orders in the Crown Court is available from Criminal Legal Aid Strategy Division, Ministry of Justice, 102 Petty France, London SW1H 9AJ or at www.justice.gov.uk.

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