**EXPLANATORY MEMORANDUM TO**

# THE CRIMINAL LEGAL AID (STANDARD CRIME CONTRACT) (AMENDMENT) REGULATIONS 2025

**2025 No. 1009**

## 1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of His Majesty.

## 2. Declaration

2.1 Minister Sackman KC MP, Minister of State at the Ministry of Justice confirms that this Explanatory Memorandum meets the required standard.

2.2 Christina Pride, Deputy Director for Criminal Legal Aid, at the Ministry of Justice confirms that this Explanatory Memorandum meets the required standard.

## 3. Contact

3.1 James MacMillan at the Ministry of Justice (telephone: 07542 945 596 or email: James.macmillan2@justice.gov.uk) can be contacted with any queries regarding the instrument.

## Part One: Explanation, and context, of the Instrument

## 4. Overview of the Instrument

***What does the legislation do?***

4.1 The instrument makes amendments to regulations made under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ("LASPO"). The amendments are needed because of the introduction of a new contract which replaces an existing contract to govern relations between the Lord Chancellor and providers of criminal legal aid services.

***Where does the legislation extend to, and apply?***

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

## 5. Policy Context

***What is being done and why?***

5.1 The provision of legal aid is governed by contracts between the Lord Chancellor and the providers of legal aid, together with secondary legislation. These contracts interrelate with LASPO and the secondary legislation made under it, by cross referencing relevant legislation under particular sections of the contract. Similarly, the secondary legislation made under LASPO refers to particular contracts by reference to the title of each standard form of contract. This means that when a new standard form of contract is adopted, the legislation must be updated to make sure that it makes reference to the relevant contractual arrangements.

***What was the previous policy, how is this different?***

5.2 This instrument maintains the policy of referring to the current Standard Crime Contract in regulations made under LASPO.

## 6. Legislative and Legal Context

***How has the law changed?***

6.1 This instrument amends the Criminal Legal Aid (General) Regulations 2013, the Criminal Legal Aid (Remuneration) Regulations 2013 and the Criminal Legal Aid (Financial Resources) Regulations 2013 to refer to the new 2025 Standard Crime Contract in place of the 2022 Standard Crime Contract.

6.2 This instrument also updates references in the Remuneration Regulations to the Standard Crime Contract Guidance for Reporting Crime Lower Work ("the Guidance"), to reflect the latest version of the Guidance.

6.3 This instrument provides that these Regulations do not apply to remainder work carried out under the 2022 Standard Crime Contract, with "remainder work" defined in clause 1.1 of the 2022 Standard Crime Contract. These Regulations apply to determinations for criminal legal aid made on or after 1st October 2025, but also in relation to work done prior to 1st October 2025 by operation of Clause 1.28 of the 2025 Standard Crime Contract.

***Why was this approach taken to change the law?***

6.4 This is the only possible approach to make the necessary change.

## 7. Consultation

***Summary of consultation outcome and methodology***

7.1 Given the minor technical nature of the changes this instrument makes, consultation was not required.

## 8. Applicable Guidance

8.1 Guidance is not required.

# Part Two: Impact and the Better Regulation Framework

## 9. Impact Assessment

9.1 There is no significant impact on business, charities or voluntary bodies.

9.2 There is no impact on the public sector.

9.3 A full Impact Assessment has not been prepared for this instrument because the changes it makes are of a minor technical nature.

***Impact on businesses, charities and voluntary bodies***

9.4 Legal aid is out of the scope of the regulatory agenda. It is excluded by section 22(4)(c) of the Small Business Enterprise and Employment Act 2015 on the grounds that it relates to 'the giving of grants or other financial assistance by or on behalf of a public authority'. The measure does not require Reducing Regulation Committee or Regulatory Policy Committee clearance.

9.5 There is no, or no significant, impact on the public sector.

## 10. Monitoring and review

***What is the approach to monitoring and reviewing this legislation?***

10.1 The operation of and expenditure on the legal aid scheme is continually monitored by the Ministry of Justice and the Legal Aid Agency.

## Part Three: Statements and Matters of Particular Interest to Parliament

## 11. Matters of special interest to Parliament

11.1 None.

## 12. European Convention on Human Rights

12.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## 13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").