Draft Regulations laid before Parliament under section 41(6) and (7)(h) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2013 No.

LEGAL AID AND ADVICE, ENGLAND AND WALES

The Legal Aid (Information about Financial Resources) (Amendment) Regulations 2013

Made - - - - ***

Coming into force - - in accordance with regulation 1

The Lord Chancellor makes the following Regulations(**a**) in exercise of the powers conferred by section 22(3)(f) and (8)(**b**) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(**c**).

In accordance with section 41(6) and (7)(h) of that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Legal Aid (Information about Financial Resources) (Amendment) Regulations 2013 and come into force on the day after the day on which they are made.

Amendments to the Legal Aid (Information about Financial Resources) Regulations 2013

2. The Legal Aid (Information about Financial Resources) Regulations 2013(**d**) are amended as follows.

3. After regulation 4 insert—

"Information request: particulars contained in the register

4A.—(1) An information request made by the relevant authority to the Secretary of State under section 22(1)(a) of the Act may include a request for the disclosure of register information.

(**a**) Section 42(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) provides that in Part 1 of that Act "regulations" means regulations made by the Lord Chancellor.
(**b**) Section 22(8) includes a definition of "benefit status". This means, in relation to an individual, whether or not the individual is in receipt of a prescribed benefit. Section 42(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 provides that in Part 1 of that Act "prescribed" means prescribed by regulations.
(**c**) 2012 c. 10.
(**d**) S.I. 2013/628.

(2) In this regulation—

"register" and "registered keeper" have the meaning given in regulation 3(1) of the Road Vehicles (Registration and Licensing) Regulations 2002(**a**);

"register information" means, in relation to any registration mark—

(a) whether a particular relevant individual is the registered keeper of the vehicle identified by that registration mark; and

(b) if the relevant individual is the registered keeper of that vehicle, any particulars contained in the register in relation to that registration mark;

"registration mark" has the meaning given in section 23(1) of the Vehicle Excise and Registration Act 1994(**b**)."

4. In the Schedule, at the end insert—

"**29.** Armed forces independence payment payable under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(**c**).".

Signed by the authority of the Lord Chancellor

Minister of State
Ministry of Justice

Date

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Legal Aid (Information about Financial Resources) Regulations 2013 (S.I. 2013/628 – "the 2013 Regulations"), which make provision in relation to information requests under section 22 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Regulation 3 inserts new regulation 4A into the 2013 Regulations, which enables the relevant authority (in practice, the Director of Legal Aid Casework) to request from the Driver and Vehicle Licensing Agency register information as to whether an individual is the registered keeper of a vehicle identified by a particular Vehicle Registration Mark (VRM), and if so, any particulars contained in the register in relation to that VRM.

Regulation 4 amends the Schedule to the 2013 Regulations to provide that armed forces independence payment is a prescribed benefit for the purposes of those Regulations.

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(**a**) S.I. 2002/2742.
(**b**) 1994 c. 22.
(**c**) S.I. 2011/517, which was amended by S.I. 2013/436 to make provision in relation to armed forces independence payment.

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