

**EXPLANATORY MEMORANDUM TO
THE CRIMINAL LEGAL AID (REMUNERATION) REGULATIONS 2013
2013 No. 435**

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.

2. Purpose of the Instrument

2.1 The Criminal Legal Aid (Remuneration) Regulations 2013 make provision about the payment of fees to persons who provide criminal legal aid under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ("the Act").

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

3.1 None.

4. Legislative Context

4.1 This is one of a number of statutory instruments which implement Part 1 of the Act. These instruments will be laid in time to come into force on 1 April 2013.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

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

7. Policy background

7.1 The Act gives effect to the Government's policy position on Legal Aid. The Government considers that those who are accused of criminal offences should be able to benefit from publicly funded legal advice, assistance or representation when they cannot afford to pay for their own advice, assistance or representation, if the interests of justice require it.

7.2 Section 2(3) of the Act provides that the Lord Chancellor may, in regulations, make provision about the payment of remuneration by the Lord Chancellor to persons who provide services under arrangements made for the purposes of Part 1 of the Act. These Regulations exercise that power in relation to criminal legal aid.

7.3 These Regulations set out the procedures for litigators, advocates and experts to make claims in respect of various types of criminal legal aid work, and the fees to be

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