
STATUTORY INSTRUMENTS

2013 No. 534

**The Legal Aid, Sentencing and Punishment of
Offenders Act 2012 (Consequential, Transitional
and Saving Provisions) Regulations 2013**

Saving and transitional provisions

7.—(1) After 31st March 2013, any power, duty or other function of the Commission to which paragraph (2) applies may be exercised in relation to a pre-commencement case—

- (a) by the Director, to the extent that the power, duty or other function relates to a decision in an individual case about any of the following—
 - (i) whether to fund, or continue to fund, funded services for an individual;
 - (ii) whether to request an authorisation from the Lord Chancellor under section 6(8)(b) of the 1999 Act;
 - (iii) the terms of the provision of the funded services;
 - (iv) the grant (including the provisional grant) or withdrawal of a right to representation, under section 14 of, and Schedule 3 to, the 1999 Act;
 - (v) liability to a contribution order under section 17A of the 1999 Act;
 - (vi) whether the case should be referred under paragraph 23.1 of Part C of Part 2 of the Funding Code (Funding Code: Procedures) or whether a direction should be made under paragraph 26 of Part C of Part 2 of the Funding Code (Funding Code: Procedures);
 - (vii) whether the case should be classified as a Very High Cost Case under regulation 2 of the Criminal Defence Service (Funding) Order 2007(1); and
- (b) otherwise by the Lord Chancellor,

and any reference to the Commission, or to any person exercising a power, duty or other function on behalf of the Commission, in any enactment and in the Funding Code, authorisations, directions and guidance made under Part 1 of the 1999 Act must be construed accordingly.

(2) This paragraph applies to any power, duty or other function of the Commission that remains in force on 1st April 2013 and that before that date was exercisable by the Commission under Part 1 of the 1999 Act or under the Funding Code, orders, regulations, directions, authorisations or guidance made under that Part of that Act, including one exercised by another person on behalf of the Commission.

(3) Any power, duty or other function of the Commission that remains in force on 1st April 2013 and that before that date was exercisable by the Commission in relation to advice, assistance, mediation and representation under the Legal Aid Act 1988, may be exercised after 31st March 2013 in relation to a pre-commencement case—

- (a) by the Director, if the power, duty or other function is equivalent to one referred to in paragraph (1)(a); and

(b) otherwise by the Lord Chancellor.

(4) A power, duty or other function exercisable by the Director or by the Lord Chancellor in accordance with paragraphs (1) and (3) may be exercised by a person authorised for that purpose by, respectively, the Director or the Lord Chancellor, or an employee of that person.

(5) Delegations referred to in regulation 6(3)(c) continue to apply in relation to a pre-commencement case as if they were authorisations made by the Director or the Lord Chancellor under paragraph (4).