

SCHEDULE

Consequential amendments to secondary legislation

PART 1

Amendment of the Costs in Criminal Cases (General) Regulations 1986

1.—(1) In this paragraph “the 1986 Regulations” means the Costs in Criminal Cases (General) Regulations 1986⁽¹⁾.

(2) In the definition of “interested party” in each of regulations 3A (applications and definitions in relation to wasted costs orders) and 3E (applications and definitions in relation to third party costs orders) of the 1986 Regulations—

- (a) after “as part of the Criminal Defence Service” insert “, or provided for him under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,”; and
- (b) after “work done under the representation order” insert “, or under the determination for representation for the purposes of criminal proceedings,”

(3) In each of regulations 3D (recovery of sums due under a wasted costs order) and 3I (recovery of sums due under a third party costs order) of the 1986 Regulations, after “as part of the Criminal Defence Services) insert “, or provided for him under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,”.

(4) In regulation 6(3)(d) of the 1986 Regulations (claims for costs), after “as part of the Criminal Defence Service” insert “, or provided for him under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,”.

(5) In regulation 26 of the 1986 Regulations (directions by the Lord Chancellor) after each occurrence of “as part of the Criminal Defence Service” insert “, or by the Lord Chancellor under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”.

Amendment of the Civil Procedure Rules 1998

2. In the Civil Procedure Rules 1998⁽²⁾—

- (a) in paragraph (1) of rule 46.9 (basis of detailed assessment of solicitor and client costs), after “the Access to Justice Act 1999” insert “or by the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”;
- (b) after paragraph (4) of rule 47.8 (sanction for delay in commencing detailed assessment proceedings) insert—

“(5) Where the costs to be assessed in a detailed assessment are payable by the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, this rule applies as if the receiving party were the solicitor to whom the costs are payable and the paying party were the Lord Chancellor.”;

- (c) in the heading to Section VI of Part 47 (detailed assessment procedure for costs of a LSC funded client or an assisted person where costs are payable out of the Community Legal Service Fund)—

(1) S.I. 1986/1335. Relevant amending instruments are S.I. 1991/789, 2004/2408 and 2008/2448.

(2) S.I. 1998/3132 (L. 17). Rules 46 and 47 are substituted on 1st April 2013 by S.I. 2013/262 (L. 1).

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- (i) for “or an Assisted Person” substitute “, an Assisted Person or Person to Whom Legal Aid is Made Available”; and
 - (ii) after “Community Legal Service Fund” insert “or by the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”;
- (d) in the heading to rule 47.18 (detailed assessment procedure where costs are payable out of the Community Legal Services Fund) after “Community Legal Services Fund” insert “or by the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”;
- (e) in paragraph (1) of rule 47.18—
- (i) for “or an assisted person” substitute “, an assisted person or a person to whom legal aid is provided”; and
 - (ii) after “Community Legal Services Fund” insert “or by the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”; and
- (f) in paragraph (3) of rule 47.18 for “or the assisted person” substitute “, the assisted person or the person to whom legal aid is provided”.

Amendment of European Communities (Lawyer’s Practice) Regulations 2000

3. In Part 1 of Schedule 3 to the European Communities (Lawyer’s Practice) Regulations 2000⁽³⁾ (enactments relating to the provision of legal advice and assistance and legal aid) at the end of the list of enactments insert “Legal Aid, Sentencing and Punishment of Offenders Act 2012”.

Amendment of the Civil Legal Aid (Scotland) Regulations 2002

4. In regulation 44(2) of the Civil Legal Aid (Scotland) Regulations 2002⁽⁴⁾, for “the Legal Services Commission” substitute “the Director of Legal Aid Casework (within the meaning of section 4 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012)”.

Amendment of Land Registration Rules 2003

5.—(1) In rule 93(w) of the Land Registration Rules 2003⁽⁵⁾ (persons regarded as having sufficient interest to apply for a restriction)—

- (a) for “the Legal Services Commission where it” substitute “the Lord Chancellor where the Lord Chancellor”; and
 - (b) after “section 10(7) of the Access to Justice Act 1999” insert “or by section 25(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”.
- (2) In Schedule 4 to the Land Registration Rules 2003 (standard forms of restriction)—
- (a) in the title of Form JJ, for “Legal Services Commission” substitute “the Lord Chancellor”; and
 - (b) for “written notice of the disposition was given to the Legal Services Commission, Land Charge Department, at [address and Commission’s reference number]” substitute “written notice of the disposition was given to the Lord Chancellor at [address and Lord Chancellor’s reference number]”.

(3) [S.I. 2000/1119](#).

(4) [S.S.I. 2002/494](#).

(5) [S.I. 2003/1417](#). Relevant amending instruments are [S.I. 2005/1766](#), [S.I. 2008/1919](#) and [2012/2421](#).

Amendment of the Serious Crime Act 2007 (Appeals under Section 24) Order 2008

6. In the Serious Crime Act 2007 (Appeals under Section 24) Order 2008(6)—
- (a) in the definition of “interested party” in article 13(1) (interpretation and transitional provision) after “the Legal Services Commission” insert “or made available for that person under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”;
 - (b) in article 13(3) after “the Legal Services Commission” insert “or made available for that person under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”;
 - (c) in article 17(6) (wasted costs order) after “the Legal Services Commission” insert “or made available for that person under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”; and
 - (d) in article 31 (recovery of sums due under a third party costs order) after “the Legal Services Commission” insert “or made available for that person under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”.

Amendment of the Civil Proceedings Fees Order 2008

7. In the Civil Proceedings Fees Order 2008(7)—
- (a) in paragraph 5.1 of column 1 in the table in Schedule 1 (determination of costs (senior court and county court)) for “or is funded by the LSC” insert “, is funded by the LSC or is a person for whom civil legal services have been made available under arrangements made by the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”;
 - (b) for the entry below paragraph 5.2(h) of column 1 in the table in Schedule 1 substitute—
“Where there is a combined party and party and legal aid, or a combined party and party and LSC, or a combined party and party and Lord Chancellor, or a combined party and party and one or more of legal aid, LSC or Lord Chancellor determination of costs, fee 5.2 will be attributed proportionately to the party and party, legal aid, LSC or Lord Chancellor (as the case may be) portions of the bill on the basis of the amount allowed.”;
 - (c) in paragraph 5.5 of column 1 in the table in Schedule 1, after “the Community Legal Service Fund” insert “or by the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”; and
 - (d) in the entry below paragraph 5.5 of column 1 in the table in Schedule 1, after “Community Legal Service Fund” insert “or against the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”.

Amendment of the Family Proceedings Fees Order 2008

8. In the Family Proceedings Fees Order 2008(8)—
- (a) in paragraph 8.1 of column 1 in the table in Schedule 1 (determination of costs) for “or is funded by the LSC” insert “, is funded by the LSC or is a person for whom civil legal services have been made available under arrangements made by the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”;
 - (b) for the entry below paragraph 8.2 of column 1 in the table in Schedule 1, substitute—

(6) S.I. 2008/1863.

(7) S.I. 2008/1053 (L. 5). Schedule 1 was substituted by S.I. 2011/586 (L. 2).

(8) S.I. 2008/1054 (L. 6). Schedule 1 was substituted by S.I. 2010/1916 (L. 10).

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“Where there is a combined standard basis and legal aid, or a combined standard basis and LSC, or a combined standard basis and Lord Chancellor, or a combined standard basis, and one or more of legal aid, LSC or Lord Chancellor determination of costs, fee 8.2 will be attributed proportionately to the standard basis, legal aid, LSC or Lord Chancellor (as the case may be) portions of the bill on the basis of the amount allowed.”;

- (c) in paragraph 8.5 of column 1 in the table in Schedule 1, after “the Community Legal Service Fund” insert “or by the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”; and
- (d) in the entry below paragraph 8.5 of column 1 in the table in Schedule 1, after “Community Legal Service Fund” insert “or against the Lord Chancellor under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”.

Amendment of the Court Funds Rules 2011

9. In rule 28 of the Court Funds Rules 2011⁽⁹⁾ (payment where the claimant’s legal representation has been funded by the Legal Services Commission)—

- (a) in the heading, after “funded by the Legal Services Commission” insert “or provided under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”;
- (b) in paragraph (1)(b), after “funded by the Legal Services Commission” insert “or provided under arrangements made for the purposes of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”; and
- (c) in paragraph (1)(c), after “regulation 18(1) of the Community Legal Service (Costs) Regulations 2000⁽¹⁰⁾” insert “or regulation 13(1) of the Civil Legal Aid (Statutory Charge) Regulations 2013”.

Amendment of the Equality Act 2010 (Specific Duties) Regulations 2011

10. In Schedule 1 to the Equality Act 2010 (Specific Duties) Regulations 2011⁽¹¹⁾ (public authorities required to publish information by 31st January 2012 and subsequently at intervals of not greater than one year) omit “The Legal Services Commission”.

Amendment of the Legal Services Act (Designation as a Licensing Authority) (No. 2) Order 2011

11. In article 6 of the Legal Services Act (Designation as a Licensing Authority) (No. 2) Order 2011⁽¹²⁾ (powers of Solicitors Disciplinary Tribunal in respect of legal aid complaints) after “representation funded by the Legal Services Commission as part of the Criminal Defence Service” insert “or from providing criminal legal aid work (within the meaning of section 47(3C) of the 1974 Act)”.

Amendment of asset-freezing and financial sanctions subordinate legislation

12.—(1) In paragraph 5(1)(d) of the Schedule (general power to disclose information) to each enactment referred to in paragraph (2), omit “the Legal Services Commission,”.

(2) The enactments referred to in paragraph (1) are—

⁽⁹⁾ S.I. 2011/1734.

⁽¹⁰⁾ S.I. 2000/441.

⁽¹¹⁾ S.I. 2011/2260.

⁽¹²⁾ S.I. 2011/2866.

- (a) the Afghanistan (Asset-Freezing) Regulations 2011(**13**);
- (b) the Belarus (Asset-Freezing) Regulations 2013(**14**);
- (c) the Democratic People’s Republic of Korea (Asset-Freezing) Regulations 2011(**15**);
- (d) the Democratic Republic of the Congo (Asset-Freezing) Regulations 2012(**16**);
- (e) the Egypt (Asset-Freezing) Regulations 2011(**17**);
- (f) the Eritrea (Asset-Freezing) Regulations 2012(**18**);
- (g) the Guinea-Bissau (Asset-Freezing) Regulations 2012(**19**);
- (h) the Iran (Asset-Freezing) Regulations 2011(**20**);
- (i) the Ivory Coast (Asset-Freezing) Regulations 2011(**21**);
- (j) the Lebanon and Syria (Asset-Freezing) Regulations 2012(**22**);
- (k) the Liberia (Asset-Freezing) Regulations 2012(**23**);
- (l) the Libya (Asset-Freezing) Regulations 2011(**24**);
- (m) the Libya (Financial Sanctions) Order 2011(**25**);
- (n) the Republic of Guinea (Asset-Freezing) Regulations 2012(**26**);
- (o) the Somalia (Asset-Freezing) Regulations 2010(**27**);
- (p) the Sudan (Asset-Freezing) Regulations 2012(**28**);
- (q) the Syria (European Union Financial Sanctions) Regulations 2012(**29**); and
- (r) the Tunisia (Asset-Freezing) Regulations 2011(**30**).

(3) In paragraph 5(1)(d) of Schedule 1 to the Iraq (Asset-Freezing) Regulations 2012(**31**) (general power to disclose information) omit “the Legal Services Commission,”.

(4) In the modifications made to the extension of Part 1 of the Terrorist Asset Freezing etc. Act 2010(**32**) (“the 2010 Act”) by Schedule 2 to the Terrorist Asset-Freezing etc. Act 2010 (Overseas Territories) Order 2011(**33**) (“the 2011 Order”) to the Territories specified in Schedule 1 to the 2011 Order, the substitution of section 23(1)(d) of the 2010 Act by paragraph 10 of Schedule 2 to the 2011 Order shall take effect as if the reference to the Legal Services Commission were omitted.

(5) In paragraph 5(1)(d) of the Schedule to the Iran (European Union Financial Sanctions) Regulations 2012(**34**) (general power to disclose information), omit “the Legal Services Commission,”.

(13) [S.I. 2011/1893](#).
(14) [S.I. 2013/164](#).
(15) [S.I. 2011/1094](#).
(16) [S.I. 2012/1511](#).
(17) [S.I. 2011/887](#).
(18) [S.I. 2012/1515](#).
(19) [S.I. 2012/1301](#).
(20) [S.I. 2011/1129](#).
(21) [S.I. 2011/1086](#).
(22) [S.I. 2012/1517](#).
(23) [S.I. 2012/1516](#).
(24) [S.I. 2011/605](#).
(25) [S.I. 2011/548](#).
(26) [S.I. 2012/1508](#).
(27) [S.I. 2010/2956](#).
(28) [S.I. 2012/1507](#).
(29) [S.I. 2012/129](#).
(30) [S.I. 2011/888](#).
(31) [S.I. 2012/1489](#).
(32) [2010 c. 38](#).
(33) [S.I. 2011/750](#).
(34) [S.I. 2012/925](#).

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