

Authorisations made pursuant to section 5(2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, in relation to the Criminal Legal Aid (Motor Vehicle Orders) Regulations 2013 (SI2013/1686)

Criminal Legal Aid (Motor Vehicle Orders) Regulations 2013			
Regulation	Function	Who exercises the function in the Regulations	Who is authorised to exercise the function in practice
4. Provision of information and documentary evidence	In enforcing an overdue payment under a contribution order, the Lord Chancellor can require an individual to provide information and documentary evidence regarding their or any other person's interest in a motor vehicle.	The Lord Chancellor	The Legal Aid Agency and/or A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd)
5. Application for a clamping order	In enforcing an overdue payment under a contribution order, the Lord Chancellor may apply to the court for a clamping order in respect of a individual's motor vehicle. The Lord Chancellor must send a copy of the application to the individual as well as to any other person whom the Lord Chancellor is aware has an interest in the motor vehicle.	The Lord Chancellor	The Legal Aid Agency and/or A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd)
6. Representations and documentary evidence in relation to a clamping order	The Lord Chancellor must notify the individual and any other person whom the Lord Chancellor is aware has an interest in the motor vehicle that they may submit written representations to the court in relation to the application for a clamping order.	The Lord Chancellor	The Legal Aid Agency and/or A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd)
11. The clamping of a motor vehicle	If the overdue amount specified in the clamping order is not paid in full by the date specified, the Lord	The Lord Chancellor	A debt recovery agency with whom the Lord Chancellor has an arrangement under section

	Chancellor may clamp the motor vehicle.		2(1) of the Act (currently Rossendales Ltd)
12. Places where a motor vehicle may be clamped	The Lord Chancellor may clamp a motor vehicle on private land as well as on any highway or road to which the public has access.	The Lord Chancellor	A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd)
13. Immobilisation notices	On clamping a motor vehicle, the Lord Chancellor must fix an immobilisation notice to the vehicle.	The Lord Chancellor	A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd)
14. Removal and storage of a motor vehicle	On removal of a motor vehicle to storage, the Lord Chancellor must send a written notice to the individual confirming the vehicle's removal and including details regarding how payment of the overdue amount can be made so that the vehicle may be released.	The Lord Chancellor	A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd)
15. Payment following clamping of motor vehicle	The Lord Chancellor must release the motor vehicle on payment in full of the overdue amount and charges due, and issue a receipt accordingly.	The Lord Chancellor	A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd)
16. Change in relevant overdue amount following the clamping of motor vehicle: other	Following a reassessment or review the individual is not liable to make any payment under a contribution order, the Lord Chancellor must release the vehicle from the immobilisation device or from storage.	The Lord Chancellor	The Legal Aid Agency; A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd); and HMCTS
17. Change in relevant overdue amount following the clamping of a motor vehicle: other	In circumstances where a reassessment or review of an individual's liability under a contribution order results in a reduction of the amount owed, the Lord Chancellor must either release the motor vehicle or submit an application to the court for a new clamping order (this triggers the function identified at Reg 5	The Lord Chancellor	The Legal Aid Agency; A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd); and

	<p>above).</p> <p>If the Lord Chancellor submits an application to the court for a new clamping order and the order is subsequently granted, the Lord Chancellor must fix a new immobilisation notice to the vehicle if it has not been removed to storage; if it has been removed to storage, the Lord Chancellor must send a new written notice to the individual (see Reg 14 above). If the court declines to make a new order, the Lord Chancellor must release the vehicle.</p>		HMCTS
18. Release of a motor vehicle wrongly clamped	<p>If an individual applies to the Lord Chancellor asserting that the vehicle has been wrongly clamped and should be released, the Lord Chancellor must decide whether to grant or refuse the application and to send written notification of the decision to the individual.</p> <p>If the Lord Chancellor refuses the application or fails to notify the individual of its decision, the individual may apply to the court for release of the vehicle. The Lord Chancellor may make written representations to the court in relation to the application and may also attend the hearing listed for this purpose.</p> <p>If the court decides to order the release of the vehicle, the Lord Chancellor must comply with the order.</p>	The Lord Chancellor	<p>The Legal Aid Agency and/or</p> <p>A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd)</p>
19. Application for a vehicle sale order	<p>The Lord Chancellor may apply to the court for a vehicle sale order in respect of an individual's motor vehicle.</p> <p>The Lord Chancellor must send a copy of the application to the individual as well as to any other person whom the Lord Chancellor is aware has an interest in the motor vehicle.</p>	The Lord Chancellor	<p>The Legal Aid Agency and/or</p> <p>A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd)</p>

20. Representations and documentary evidence in relation to a vehicle sale order	The Lord Chancellor must notify the individual and any other person whom the Lord Chancellor is aware has an interest in the motor vehicle that they may submit written representations to the court in relation to the application for a vehicle sale order.	The Lord Chancellor	The Legal Aid Agency and/or A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd)
21. The making of a vehicle sale order	If the court does not make a vehicle sale order, the Lord Chancellor must release the motor vehicle.	The Lord Chancellor	A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd)
23. Release of a motor vehicle following a vehicle sale order	Where a vehicle sale order is made but the vehicle is not sold, and if the individual successfully appeals against their conviction, the Lord Chancellor must release the vehicle and notify the individual that they remain liable for any outstanding charges due. Where a vehicle sale order is made but the vehicle is not sold, and if the individual's liability under a contribution order is subsequently extinguished following a reassessment or review, the Lord Chancellor must release the vehicle.	The Lord Chancellor	The Legal Aid Agency; A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd); and HMCTS
24. Change in relevant overdue amount following the making of a vehicle sale order	Where a vehicle sale order is made but the vehicle is not sold, and if a reassessment or review of an individual's liability under a contribution order results in a reduction of the amount owed, the Lord Chancellor must either release the motor vehicle or submit an application to the court for a new vehicle sale order (this triggers the function identified at Reg 19 above). If the Lord Chancellor submits an application to the court for a new vehicle sale order and the order is not made, the Lord Chancellor must release the vehicle.	The Lord Chancellor	The Legal Aid Agency; A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd); and HMCTS

25. Sale of a motor vehicle	<p>If the court makes a vehicle sale order, the Lord Chancellor must arrange for the vehicle's sale.</p> <p>Following the vehicle's sale, the Lord Chancellor must register the vehicle in the name of the purchaser and apply the net proceeds of sale to the payment of charges, enforcement costs and the overdue amount specified in the vehicle sale order.</p>	The Lord Chancellor	<p>The Legal Aid Agency and/or</p> <p>A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd)</p>
26. Repayment of the proceeds of sale	<p>If the vehicle is sold and the proceeds of sale dealt with in accordance with Reg 25 (above), but the individual successfully appeals against their conviction or a reassessment or review results in liability under their contribution order being extinguished or reduced, the Lord Chancellor must repay the proceeds of sale in accordance with this Regulation.</p>	The Lord Chancellor	<p>The Legal Aid Agency;</p> <p>A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd); and</p> <p>HMCTS</p>
28. Recovery of charges due other than from the proceeds of sale	<p>Where charges remain outstanding, the Lord Chancellor may apply to recover them through the civil courts.</p>	The Lord Chancellor	<p>The Legal Aid Agency and/or</p> <p>A debt recovery agency with whom the Lord Chancellor has an arrangement under section 2(1) of the Act (currently Rossendales Ltd)</p>