

Table of Delegated Authorities for the Criminal Legal Aid (General) Regulations 2013

The below tables set out the authorisations given pursuant to section 6, for the purposes of section 5(2) and section 5(4), of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, in relation to functions of the Lord Chancellor and the Director of Legal Aid Casework under each part of the Criminal Legal Aid (General) Regulations 2013 (S.I. 2013/9)

There are two tables for PART FIVE (Representation for criminal proceedings):

1. A PART FIVE table for applications for a representation order in the magistrates' court and Youth Court for summary only offences, either way offences and prescribed proceedings where both (i) and (ii) apply:

- i. the individual is:

- (a) a child (an individual who is under the age of 18 on the date on which an application is made for a determination under section 16 of the Act), or
 - (b) on a passported benefit, or
 - (c) unemployed (means is not employed, self-employed, a director or is living off savings, and, where applicable, their partner is also not employed, self-employed, a director or is living off savings).

The incidental proceedings under representation orders for magistrates' court and Youth Court proceedings issued by Providers under their delegated functions are the same as those under representation orders issued by the Legal Aid Agency and include committals for sentencing from the magistrates' court to the Crown Court.

- ii. a determination is being made in accordance with the Criminal and Civil Legal Aid (Amendment) Regulations 2025, including the transitional arrangements therein.

2. A PART FIVE table for all other applications for a representation order in the magistrates' court and Youth Court and for all applications for a representation order in the Crown Court (including where a Provider has granted a representation order in the magistrates' court under their delegated functions and the case is then sent to the Crown Court for trial).

There are two PART FIVE tables because who is authorised to exercise the functions of the Director of Legal Aid Casework in respect of representation orders in the magistrates' court and Youth Court is dependent upon the type of offence/proceeding and the individual's financial resources.

PART ONE – Interpretation and General			
Regulation	Function	Who exercises the function in the Regulations	Who is authorised to exercise the function in practice
5 (Reporting duty)	Receiving a report from the provider	The Director of Legal Aid Casework	The Legal Aid Agency

PART TWO – Advice and assistance for individuals in custody			
Regulation	Function	Who exercises the function in the Regulations	Who is authorised to exercise the function in practice
8(a) (Applicants)	Establishing the Duty Solicitor Call Centre	The Lord Chancellor	The Legal Aid Agency

PART THREE – Criminal proceedings			
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Regulation	Function	Who exercises the function in the Regulations	Who is authorised to exercise the function in practice
9(v) (Criminal proceedings)	Deciding whether proceedings involve the determination of a criminal charge for the purposes of Article 6(1) of the European Convention on Human Rights	The Director of Legal Aid Casework	The Legal Aid Agency

PART FOUR – Advice and assistance for criminal proceedings			
Regulation	Function	Who exercises the function in the Regulations	Who is authorised to exercise the function in practice
11(2)(b) (General)	Determining whether an individual qualifies for prescribed advice and assistance under s15(2) of LASPO.	The Director of Legal Aid Casework	Providers, subject to the terms of the Standard Crime Contract in force at the time
13 (Interests Of Justice)	Making a determination having regard to the Interests of Justice	The Director of Legal Aid Casework	Providers, subject to the terms of the Standard Crime Contract in force at the time
14(b) (Specification of form)	Specifying a form	The Lord Chancellor	The Legal Aid Agency
15(1) (Determinations)	Making a determination in accordance with means and merits criteria	The Director of Legal Aid Casework	Providers, subject to the terms of the Standard Crime Contract in force at the time

16 (Withdrawal)	Withdrawing a determination	The Director of Legal Aid Casework	Providers, subject to the terms of the Standard Crime Contract in force at the time
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PART FIVE - Applications for a representation order in the magistrates' court or Youth Court for summary only offences, either way offences and prescribed proceedings where the individual is:

- (a) a child (an individual who is under the age of 18 on the date on which an application is made for a determination under section 16 of the Act), or
- (b) on a passported benefit, or
- (c) unemployed (means is not employed, self-employed, a director or is living off savings, and, where applicable, their partner is also not employed, self-employed, a director or is living off savings),

and the determination is being made by a provider in line with the Criminal and Civil Legal Aid (Amendment) Regulations 2025.

Regulation	Function	Who exercises the function in the Regulations	Who is authorised to exercise the function in practice
22(1) (Applications)	Specifying a form	The Lord Chancellor	The Legal Aid Agency
23(1) (Determinations)	Issuing and sending copies of representation orders	The Director of Legal Aid Casework	Providers, subject to the terms of the Standard Crime Contract in force at the time
23(3) (Determinations)	Providing information to the applicant when refusing an application	The Director of Legal Aid Casework	Providers, subject to the terms of the Standard Crime Contract in a force at the time

25(1) (Determinations in the Crown Court)	Making determinations under s16 of LASPO for proceedings in Crown Court	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts and Tribunals Service
26(1) (Withdrawal)	Withdrawing determinations (imperative)	The Director of Legal Aid Casework	Magistrates' court – Providers, subject to the terms of the Standard Crime Contract in a force at the time. Crown Court – Legal Aid Agency and HM Courts and Tribunals Service
26(2) (Withdrawal)	Withdrawing determinations (permissive)	The Director of Legal Aid Casework	Magistrates' court – Providers, subject to the terms of the Standard Crime Contract in a force at the time. Crown Court – Legal Aid Agency and HM Courts and Tribunals Service
26(3) (Withdrawal)	Providing written notification of withdrawal	The Director of Legal Aid Casework	Magistrates' court – Providers, subject to the terms of the Standard Crime Contract in a force at the time. Crown Court – Legal Aid Agency and HM Courts and Tribunals Service
27(1) (Review)	Receiving review application	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts and Tribunals Service
27(2) (Review)	Specifying a form	The Lord Chancellor	The Legal Aid Agency
27(3) (Review)	Requesting further documentation	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts and Tribunals Service

27(4) (Review)	Deciding whether there should be a hearing	The Director of Legal Aid Casework	HM Courts and Tribunals Service
27(5) (Review)	Amending, affirming or reversing decision and issuing a representation order	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts and Tribunals Service
27(6) (Review)	Issuing a representation order following review	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts and Tribunals Service
27(7) (Review)	Notifying an individual of a decision following review	The Director of Legal Aid Casework	HM Courts and Tribunals Service
29(3) (Appeal: Magistrates' Court)	Receiving a further application following an appeal	The Director of Legal Aid Casework	HM Courts and Tribunals Service
29(4) (Appeal: Magistrates' Court)	Making further determinations (following appeal)	The Director of Legal Aid Casework	HM Courts and Tribunals Service
30(4) (Appeals: Crown Court)	Making further determinations (following appeal) and recording the determination in a representation order	The Director of Legal Aid Casework	HM Courts and Tribunals Service

PART FIVE – all other applications for a representation order in the magistrates' court and Youth Court and for all applications for a representation order in the Crown Court (including where a Provider has granted a representation order in the magistrates' court under their delegated functions and the case is then sent to the Crown Court for trial).

Regulation	Function	Who exercises the function in the Regulations	Who is authorised to exercise the function in practice
22(1) (Applications)	Specifying a form	The Lord Chancellor	The Legal Aid Agency
23(1) (Determinations)	Issuing and sending copies of representation orders	The Director of Legal Aid Casework	HM Courts and Tribunals Service
23(3) (Determinations)	Providing information to the applicant when refusing an application	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts and Tribunals Service
24 (Determinations: proceedings in the magistrates' court)	Making a determination on an individual's financial resources for a representation order in the Crown Court	The Director of Legal Aid Casework	The Legal Aid Agency
25(1) (Determinations in the Crown Court)	Making determinations under s16 of LASPO for proceedings in Crown Court	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts and Tribunals Service
26(1) (Withdrawal)	Withdrawing determinations (imperative)	The Director of Legal Aid Casework	HM Courts and Tribunals Service
26(2) (Withdrawal)	Withdrawing determinations (permissive)	The Director of Legal Aid Casework	HM Courts and Tribunals Service
26(3) (Withdrawal)	Providing written notification of withdrawal	The Director of Legal Aid Casework	HM Courts and Tribunals Service

27(1) (Review)	Receiving review application	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts and Tribunals Service
27(2) (Review)	Specifying a form	The Lord Chancellor	The Legal Aid Agency
27(3) (Review)	Requesting further documentation	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts and Tribunals Service
27(4) (Review)	Deciding whether there should be a hearing	The Director of Legal Aid Casework	HM Courts and Tribunals Service
27(5) (Review)	Amending, affirming or reversing decision and issuing a representation order	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts and Tribunals Service
27(6) (Review)	Issuing a representation order following review	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts and Tribunals Service
27(7) (Review)	Notifying an individual of a decision following review	The Director of Legal Aid Casework	HM Courts and Tribunals Service
29(3) (Appeal: Magistrates' Court)	Receiving a further application following an appeal	The Director of Legal Aid Casework	HM Courts and Tribunals Service
29(4) (Appeal: Magistrates' Court)	Making further determinations (following appeal)	The Director of Legal Aid Casework	HM Courts and Tribunals Service
30(4) (Appeals: Crown Court)	Making further determinations (following appeal) and recording the determination in a representation order	The Director of Legal Aid Casework	HM Courts and Tribunals Service

PART SIX – Legal Persons			
Regulation	Function	Who exercises the function in the Regulations	Who is authorised to exercise the function in practice
35(2) (Application by a legal person)	Requesting additional information and documents	The Director of Legal Aid Casework	The Legal Aid Agency
38(2) (Application by a legal person)	Requesting additional information and documents	The Director of Legal Aid Casework	The Legal Aid Agency