

Table of Delegated Authorities for the Criminal Legal Aid (Financial Resources) 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 functions of the Lord Chancellor and the Director of Legal Aid Casework under each part of the Criminal Legal Aid (Financial Resources) Regulations 2013 (S.I. 2013/471).

PART ONE – Interpretation and General			
Regulation	Function	Who exercises the function in the Regulations	Who is authorised to exercise the function in practice
4 (Deprivation of resources)	Treating financial resources as the individuals	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service The Provider, subject to the terms of the Standard Crime Contract in force at the time

PART TWO – Advice and assistance

Regulation	Function	Who exercises the function in the Regulations	Who is authorised to exercise the function in practice
5(1) (Advice and assistance: exceptions from making a determination on financial resources)	Making a determination	The Director of Legal Aid Casework	The Legal Aid Agency The Provider, subject to the terms of the Standard Crime Contract in force at the time
6 (Disposable income and disposable capital)	Calculating an individual's disposable income and capital	The Director of Legal Aid Casework	The Legal Aid Agency The Provider, subject to the terms of the Standard Crime Contract in force at the time
7 (Advocacy assistance for individuals in prison)	Making a determination	The Director of Legal Aid Casework	The Legal Aid Agency The Provider, subject to the terms of the Standard Crime Contract in force at the time
8 (Other advice and assistance)	Making a determination	The Director of Legal Aid Casework	The Legal Aid Agency The Provider, subject to the terms of the Standard Crime Contract in force at the time

9 (Resources of a partner)	Calculating the disposable income and disposable capital of an individual	The Director of Legal Aid Casework	The Legal Aid Agency The Provider, subject to the terms of the Standard Crime Contract in force at the time
10 (Resources of a maintaining adult)	Treating the financial resources of a maintaining adult as that of the child	The Director of Legal Aid Casework	The Legal Aid Agency The Provider, subject to the terms of the Standard Crime Contract in force at the time
11 (Disposable income: deductions)	Calculating the disposable income of an individual	The Director of Legal Aid Casework	The Legal Aid Agency The Provider, subject to the terms of the Standard Crime Contract in force at the time
12 (Disposable income: deductions for maintenance)	Calculating the disposable income of an individual	The Director of Legal Aid Casework	The Legal Aid Agency The Provider, subject to the terms of the Standard Crime Contract in force at the time
13 (Disposable capital: deductions)	Calculating the disposable capital of an individual	The Director of Legal Aid Casework	The Legal Aid Agency The Provider, subject to the terms of the Standard Crime Contract in force at the time
14 (Deemed eligibility: qualifying benefits)	Passporting due to benefit status	The Director of Legal Aid Casework	The Legal Aid Agency The Provider, subject to the terms of the Standard Crime Contract in force at the time

15 (Reassessment)	Reassessing disposable income or capital, or amending the original assessment	The Director of Legal Aid Casework	The Legal Aid Agency The Provider, subject to the terms of the Standard Crime Contract in force at the time
-------------------	---	------------------------------------	--

PART THREE – Applications for a representation order in the magistrates’ court or Youth Court			
Regulation	Function	Who exercises the function in the Regulations	Who is authorised to exercise the function in practice
18 (Financial eligibility for representation)	Making a determination on an individual’s financial resources	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service
19 (Resources to be treated as the individual’s resources)	Assessing or estimating the financial resources of a partner or support of another person	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service
20 (Assessment of resources: gross annual income)	Calculating gross annual income	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service
21 (Assessment of resources: annual disposable income)	Calculating annual disposable income	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service

22 (Deemed eligibility: children)	Passporting due to being a child	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service
23 (Deemed eligibility: qualifying benefits)	Passporting due to benefit status	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service
24(1) (Reassessment of financial resources)	Reassessing the individual's financial resources	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service
24(2) (Reassessment of financial resources)	Withdrawing the determination	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service
25(1) (Furnishing evidence)	Requiring and receiving information and documents	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service
25(2) (Furnishing evidence)	Withdrawing a determination	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service
26(1) (Duty to report change in financial circumstances)	Receiving information of a change in financial circumstances	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service

26(2) (Duty to report change in financial circumstances)	Withdrawing the determination	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service
27 (Renewal of application)	Receiving a renewed application	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service
28(1)(a) (Review of decision)	Receiving an application for review due to miscalculation or administrative error	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service
28(1)(b) (Review of decision)	Receiving an application for review where the individual does not have sufficient financial resources (hardship review)	The Director of Legal Aid Casework	The Legal Aid Agency
28(2) (Review of decision)	Specify the form of application for review	The Lord Chancellor	The Legal Aid Agency HM Courts & Tribunal Service
28(4) (Review of decision)	Requesting and receiving further information and documents	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service
28(5) (Review of decision)	Directing that a hearing is to take place	The Director of Legal Aid Casework	The Legal Aid Agency

28(6) (Review of decision)	Considering the review application and any written representation and deciding on outcome	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service
29 (Withdrawal of determination)	Providing written notification of a withdrawal	The Director of Legal Aid Casework	The Legal Aid Agency HM Courts & Tribunal Service

PART FOUR – Applications for a representation order in the Crown Court			
Regulation	Function	Who exercises the function in the Regulations	Who is authorised to exercise the function in practice
30 (Representation in Crown Court proceedings)	Making and withdrawal of determinations	The Director of Legal Aid Casework	The Legal Aid Agency
31 (Financial eligibility for representation)	Making a determination on an individual's financial resources	The Director of Legal Aid Casework	The Legal Aid Agency
32 (Resources to be treated as the individual's resources)	Assessing or estimating the financial resources of a partner or support of another person	The Director of Legal Aid Casework	The Legal Aid Agency

33 (Assessment of resources: gross annual income)	Calculating gross annual income	The Director of Legal Aid Casework	The Legal Aid Agency
34 (Assessment of resources: disposable annual income)	Assessment of resources: disposable annual income	The Director of Legal Aid Casework	The Legal Aid Agency
35 (Documentary evidence of financial resources)	Requiring and receiving information and documents	The Director of Legal Aid Casework	The Legal Aid Agency
36 (Renewal of application)	Receiving a renewed application	The Director of Legal Aid Casework	The Legal Aid Agency
37(1)(a) (Review of decision)	Receiving an application for review due to miscalculation or administrative error	The Director of Legal Aid Casework	The Legal Aid Agency
37(1)(b) (Review of decision)	Receiving an application for review where the individual does not have sufficient financial resources (hardship review)	The Director of Legal Aid Casework	The Legal Aid Agency
37(2) (Review of a decision)	Specify the form of application for review	Lord Chancellor	The Legal Aid Agency

37(4) (Review of a decision)	Requesting and receiving further information and documents	The Director of Legal Aid Casework	The Legal Aid Agency
37(5) (Review of a decision)	Directing that a hearing is to take place	The Director of Legal Aid Casework	The Legal Aid Agency
37(6) (Review of a decision)	Considering the review application and any written representation and deciding on outcome	The Director of Legal Aid Casework	The Legal Aid Agency
38 (Withdrawal of determination)	Providing written notification of a withdrawal	The Director of Legal Aid Casework	The Legal Aid Agency

PART FIVE – Representation: Other than magistrates’ court proceedings and Crown Court proceedings			
Regulation	Function	Who exercises the function in the Regulations	Who is authorised to exercise the function in practice
39 (Representation in other criminal proceedings)	Making a determination on an individual's financial resources	The Director of Legal Aid Casework	The Legal Aid Agency