

The Clerk
Justice Select Committee
House of Commons
London
SW1A 0AA

MoJ ref: Sub 137597

02 September 2026

Dear Clerk of the Justice Select Committee,

CRIMINAL LEGAL AID AMENDMENTS

Through the Border Security, Asylum and Immigration Act 2025 and the Crime and Policing Act 2026, the Home Office has introduced various measures that will have an impact on criminal legal aid. Many of these are brought into the scope of criminal legal aid automatically by existing legislation, however there are some that are not, as they are not considered criminal proceedings. These are:

In the Border Security, Asylum and Immigration Act 2025:

- Serious Crime Prevention Orders issued on acquittal; and Interim Serious Crime Prevention Orders.

In the Crime and Policing Act 2026:

- Child Criminal Exploitation Prevention Orders;
- Stalking Protection Orders issued by the criminal courts; and
- Youth Diversion Orders.

I am writing to inform you that to ensure the Lord Chancellor fulfils his duty to provide criminal legal aid in accordance with section 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, the department is introducing legislation, The Criminal Legal Aid (General) (Amendment) Regulations 2026, that will define the above measures as criminal proceedings and bring them into the scope of criminal legal aid. This is in line with the department's approach to similar civil orders introduced by the Home Office, such as Sexual Harm Prevention Orders and Serious Disruption Prevention Orders.

The legislation will be laid before Parliament on 2 September 2026, coming into force on 1 October 2026. We will publish an Explanatory Memorandum alongside the legislation.



SARAH SACKMAN KC MP
Minister Of State