

(4) In this regulation “representation order” means a document granting a right to representation under section 14 of the Access to Justice Act 1999.

Amendments to the Criminal Defence Service (Representation Orders: Appeals etc.) Regulations 2006

2. The Criminal Defence Service (Representation Orders: Appeals etc.) Regulations 2006(a) are amended as follows.

3.—(1) Omit regulation 3(1).

(2) In regulation 3(2)—

(a) omit “further”;

(b) for “the appeal” substitute “an appeal”.

(3) In regulation 3(4) omit “6(2)(b),”.

4. For regulation 6 substitute—

“Appeals where representation order refused: Crown Court

6.—(1) An individual whose application for the grant of a representation order in respect of an appeal to the Crown Court has been refused on the grounds that the interests of justice do not require such an order to be granted may appeal to the appropriate officer of the Crown Court against the refusal.

(2) The appropriate officer may refer the appeal to a judge of the Crown Court.

(3) The appropriate officer or the judge may—

(a) decide that it would be in the interests of justice for a representation order to be granted; or

(b) dismiss the appeal.

(4) Where the appropriate officer or judge makes a decision under paragraph (3)(a), the individual may apply to the representation authority for a representation order.”.

5. Omit regulation 8.

Signed by authority of the Lord Chancellor

Date

Name
Parliamentary Under Secretary of State
Ministry of Justice

SCHEDULE 1

Regulation 1

Commencement of Regulations

Part 1 – Commencement on 11th January 2010

Local Justice Areas

Camden and Islington; Bradford; Calderdale; Huddersfield; Keighley; Skipton; Blackburn, Darwen and Ribble Valley; Furness and District; Fylde Coast; Lancaster; Preston; Great Yarmouth; Norwich; West Norfolk; Ceredigion; Llanelli; Neath Port Talbot; Pembrokeshire; Swansea County

(a) S.I. 2006/2494; there are no amending instruments.

Part 2 – Commencement on 12th April 2010

Courts Board Areas

Avon and Somerset; Devon and Cornwall; Dorset, Gloucestershire and Wiltshire; Hampshire and Isle of Wight

Part 3 – Commencement on 26th April 2010

Courts Board Areas

Birmingham, Coventry, Solihull and Warwickshire; Black Country, Staffordshire and West Mercia; Derbyshire and Nottingham; Lincolnshire, Leicestershire, and Rutland and Northamptonshire

Part 4 – Commencement on 10th May 2010

Courts Board Areas

Cheshire and Merseyside, Cumbria and Lancashire; Greater Manchester

Part 5 – Commencement on 17th May 2010

Courts Board Areas

Cleveland, Durham and Northumbria; Humber and South Yorkshire; North and West Yorkshire

Part 6 – Commencement on 24th May 2010

Courts Board Areas

Mid and West Wales; North Wales; South East Wales

Part 7 – Commencement on 14th June 2010

Courts Board Areas

Bedfordshire, Essex and Hertfordshire; Cambridgeshire, Norfolk and Suffolk; Kent; Surrey and Sussex; Thames Valley

Part 8 – Commencement on 28th June 2010

Courts Board Area

London

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Defence Service (Representation Orders: Appeals etc.) Regulations 2006 (the “2006 Regulations”). The 2006 Regulations provide for appeals or renewed applications where an individual who is the subject of criminal proceedings has been refused publicly funded representation on the grounds that the interests of justice do not require him or her to be granted an order giving a right to such representation. The Criminal Defence Service (Interests of Justice) Regulations 2009 (S.I. 2009/xxx) provide that the interests of justice are deemed to require that an individual before the Crown Court (except on an appeal to the Crown Court) is granted an order giving him or her a right to publicly funded representation. These Regulations amend the 2006 Regulations to limit appeals against a refusal to grant a representation order to appeals to the Crown Court.

An impact assessment relating to the introduction of means testing in the Crown Court is available from Criminal Legal Aid Strategy Division, Ministry of Justice, 102 Petty France, London SW1H 9AG or at www.justice.gov.uk.

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