Draft Regulations laid before Parliament under section 25(9) of the Access to Justice Act 1999, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No. 0000

LEGAL SERVICES COMMISSION, ENGLAND AND WALES

The Criminal Defence Service (Representation Orders: Appeals etc.) (Amendment) Regulations 2009

Made - - - - 2009

Coming into force in accordance with regulation 1

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by sections 25(8) and 26 of and paragraph 4 of Schedule 3 to the Access to Justice Act 1999(**1**).

A draft of this instrument has been laid before and approved by a resolution of each House of Parliament in accordance with section 25(9) of that Act.

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Criminal Defence Service (Representation Orders: Appeals etc.) (Amendment) Regulations 2009.

(2) These Regulations come into force—

(a) in relation to any magistrates' court in any of the local justice areas listed in the first part of the table in the Schedule to these Regulations, on 11th January 2010; and

(b) in relation to any other magistrates' court in any of the courts board areas listed—

(i) in the second part of that table, on 12th April 2010;

(ii) in the third part of that table, on 26th April 2010;

(iii) in the fourth part of that table, on 10th May 2010;

(iv) in the fifth part of that table, on 17th May 2010;

(v) in the sixth part of that table, on 24th May 2010;

(vi) in the seventh part of that table, on 14th June 2010;

(**1**) 1999 c. 22. Section 26 of the Act defines "prescribed" as prescribed by regulations and "regulations" as regulations made by the Lord Chancellor. The reference to the Lord Chancellor was changed to the Secretary of State for Constitutional Affairs by S.I. 2003/1887 and changed back to the Lord Chancellor by S.I. 2005/3429.

(vii) in the eighth part of that table, on 28th June 2010.

(3) These Regulations apply only to an application for a representation order which is received in a magistrates' court on or after the date on which these Regulations come into force in relation to that court.

(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(**2**) 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.

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