

2016 No. 197

ACCESS TO JUSTICE

The Criminal Defence Services (General) Regulations (Northern Ireland) 2016

Made - - - - - *24th March 2016*

Coming into operation - - - - - *15th April 2016*

The Department of Justice makes the following Regulations in exercise of the powers conferred by Article 26(2)(b) and (3) of the Access to Justice (Northern Ireland) Order 2003(a), and now vested in it(b).

Citation and commencement

1. These Regulations may be cited as the Criminal Defence Services (General) Regulations (Northern Ireland) 2016 and shall come into operation on 15th April 2016.

Interpretation

2. In these Regulations –

“relevant proceedings” means the proceedings listed in Schedule 2 to the Access to Justice (2003 Order) (Commencement No. 8) Order (Northern Ireland) 2015(c);

“right to representation” means a right to representation granted under Article 26(1) or (5) of the Access to Justice (Northern Ireland) Order 2003.

Power of the Court of Appeal to grant representation

3. The Court of Appeal or a judge of that Court may at any time grant a right to representation in respect of any relevant proceedings in the Court of Appeal, the Supreme Court or the Crown Court.

Advice and assistance

4.—(1) Without prejudice to paragraphs (2) and (3), a right to representation in respect of relevant proceedings in the Court of Appeal includes the right to advice and assistance as to any further appeal from that Court to the Supreme Court.

(a) S.I. 2003/435 (N.I. 10)
(b) S.I. 2010/976
(c) S.R. 2015 No. 237 (C. 17)

(2) Paragraph (3) applies where the Court of Appeal grants a right to representation in the case of an appellant who is to be retried before the Crown Court by virtue of an order under section 6 of the Criminal Appeal (Northern Ireland) Act 1980(a).

(3) The right to representation in connection with the retrial before the Crown Court includes the right to advice and assistance as to any further appeal from that Court to the Court of Appeal.

Sealed with the Official Seal of the Department of Justice on 24th March 2016



David Ford
Minister of Justice

(a) 1980 c. 47. Sections 19 and 37 of, together with paragraph 1 in Schedule 1 to, the 1980 Act were repealed by the Access to Justice (2003 Order) (Commencement No. 8) Order (Northern Ireland) 2015 – S.R. 2015 No. 237 (C. 17)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that the Court of Appeal may grant a right to representation under Part 2 of the Access to Justice (Northern Ireland) Order 2003 in respect of criminal appeals in the Court of Appeal and the Supreme Court, and in the case of an appellant who is to be retried before the Crown Court (regulation 3).

A right to representation in respect of relevant proceedings in the Court of Appeal includes the right to advice and assistance as to any further appeal from that Court to the Supreme Court (regulation 4(1)).

For an appellant who is to be retried before the Crown Court, a right to representation in connection with the retrial includes the right to advice and assistance as to any further appeal from the Crown Court to the Court of Appeal (regulation 4(2) and (3)).

The Regulations come into operation on 15th April 2016.

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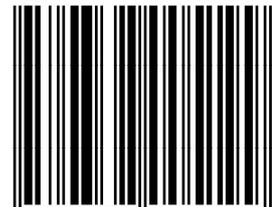
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