

*These notes refer to the Youth Justice and Criminal Evidence Act 1999 (c.23) which received Royal Assent on 27 July 1999*

# **YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part II: Giving of evidence or information for purposes of criminal proceedings**

##### ***Chapter II: Protection of witness from cross-examination by accused in person***

##### ***Section 40: Funding of defence representation***

143. This section deals with the way that legal representatives appointed by defendants, and by the courts, will be paid. Where a defendant is banned from personally cross-examining, he will be able to apply for legal aid for his representative on the same means-tested basis as other defendants in criminal cases. Court-appointed legal representatives will be paid from central funds rather than from legal aid.
144. Following the implementation of the Access to Justice Act 1999, representatives appointed under this Chapter will be funded under the new arrangements for legal representation in criminal proceedings. In other words, defendants eligible for legal representation would be represented by a lawyer contracted by the Legal Services Commission or a salaried defender. When courts appoint lawyers themselves, they will be able to appoint either contracted lawyers or salaried defenders with rights of audience in the court.