

## SCHEDULES

### SCHEDULE 3

#### LEGAL AID FOR LEGAL PERSONS

##### *Exceptional case determinations*

- 2 (1) For the purposes of this Schedule, in relation to a legal person and civil legal services, advice, assistance or representation for the purposes of criminal proceedings, an exceptional case determination is a determination that sub-paragraph (2) or (3) is satisfied.
- (2) This sub-paragraph is satisfied if it is necessary to make the services available to the legal person under this Part because failure to do so would be a breach of—
- (a) the person's Convention rights (within the meaning of the Human Rights Act 1998), or
  - (b) any rights of the person to the provision of legal services that are enforceable EU rights.
- (3) This sub-paragraph is satisfied if it is appropriate to make the services available to the legal person under this Part, in the particular circumstances of the case, having regard to any risk that failure to do so would be such a breach.