

SCHEDULES

SCHEDULE 3

LEGAL AID FOR LEGAL PERSONS

Representation for criminal proceedings

- 5 (1) Representation for the purposes of criminal proceedings is to be available under this Part to a legal person if—
- (a) the person is a specified legal person in relation to the proceedings, or
 - (b) the proceedings involve the person resisting an appeal to the Crown Court otherwise than in an official capacity,
- and the conditions in sub-paragraph (2) are met.
- (2) Those conditions are that the Director—
- (a) has made an exceptional case determination in relation to the legal person and representation for the purposes of the proceedings, and
 - (b) has determined (provisionally or otherwise) that the legal person qualifies for such representation in accordance with this Part,
- (and has not withdrawn either determination).
- (3) Where a legal person qualifies under this Part for representation for the purposes of criminal proceedings, representation is also to be available to the legal person for the purposes of any preliminary or incidental proceedings.
- (4) Regulations under section 16(4) and (5) apply for the purposes of sub-paragraph (3) as they apply for the purposes of section 16(3), except to the extent that the regulations provide otherwise.
- (5) Section 17(1)(b) applies in relation to an exceptional case determination under sub-paragraph (2)(a) as it applies in relation to a determination under section 16.
- (6) Paragraphs (a) and (b) of section 17(1) apply in relation to a determination under sub-paragraph (2)(b) as they apply in relation to a determination under section 16.
- (7) Subsections (2) to (7) of section 18 apply in relation to a determination under sub-paragraph (2) (and a decision in relation to the interests of justice for the purposes of such a determination) as they apply in relation to a determination under section 16 (and a decision for the purposes of such a determination).
- (8) The Director may not make a provisional determination under sub-paragraph (2)(b) unless authorised to do so by regulations under sub-paragraph (9).
- (9) Regulations may provide that the Director may make a provisional determination that a legal person qualifies under this Part for representation for the purposes of criminal proceedings where—
- (a) the legal person is involved in an investigation which may result in criminal proceedings,

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- (b) the determination is made for the purposes of criminal proceedings that may result from the investigation, and
 - (c) any prescribed conditions are met.
- (10) Subsections (2) and (3) of section 20 apply in relation to regulations under sub-paragraph (9) (and determinations and decisions made under such regulations) as they apply in relation to regulations under that section (and determinations and decisions made under such regulations).
- (11) In sections 17, 18 and 20 as applied by this paragraph—
 - (a) references to an individual include a legal person,
 - (b) references to the relevant authority have effect as if they were references to the Director, and
 - (c) the reference in section 20(2)(d) to a determination made by the Director or a court in reliance on section 18 or 19 has effect as if it were a reference to a determination by the Director under sub-paragraph (2)(b) made otherwise than in reliance on regulations under sub-paragraph (9).
- (12) Regulations may prescribe circumstances in which making representation available to a legal person for the purposes of criminal proceedings is to be taken to be in the interests of justice for the purposes of a determination under this paragraph.
- (13) In this paragraph “specified legal person”, in relation to criminal proceedings, means a description of legal person specified in regulations in relation to those proceedings.