
STATUTORY INSTRUMENTS

2002 No. 712

**LEGAL SERVICES COMMISSION,
ENGLAND AND WALES**

**The Criminal Defence Service (General)
(No. 2) (Amendment) Regulations 2002**

<i>Made</i>	- - - -	<i>13th March 2002</i>
<i>Laid before Parliament</i>		<i>18th March 2002</i>
<i>Coming into force</i>	- -	<i>8th April 2002</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 12, 13 and 15 of, and Schedule 3 to, the Access to Justice Act 1999(1), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Criminal Defence Service (General) (No. 2) (Amendment) Regulations 2002 and shall come into force on 8th April 2002.

Interpretation

2. In these Regulations, a reference to a regulation by number alone means the regulation so numbered in the Criminal Defence Service (General) (No. 2) Regulations 2001(2).

Transitional provisions

3. These Regulations shall apply to applications for funded services made on or after 8th April 2002 and applications made before that date shall be treated as if these Regulations had not been made.

Amendments to the Criminal Defence Service (General) (No. 2) Regulations 2001

4. In regulation 2:

- (a) in the definition of “appropriate officer”, the following shall be inserted after “criminal appeals”:

(1) 1999 c. 22. Section 13 was amended by section 1 of the Criminal Defence Service (Advice and Assistance) Act 2001 (c. 4).
(2) S.I.2001/1437.

“or the head of the Civil Appeals Office”; and

- (b) the following definition shall be inserted between the definitions of “the Costs Committee” and “funded services”:

““the Financial Services and Markets Tribunal” means the Tribunal established under section 132 of the Financial Services and Markets Act(3);”.

5. The following shall be inserted after regulation 3(2)(g):

“and

- (h) proceedings under section 137 of the Financial Services and Markets Act 2000 to appeal against a decision of the Financial Services and Markets Tribunal.”.

6. The following shall be inserted after regulation 4(j):

“or

- (k) is detained under Schedule 7 to the Terrorism Act 2000(4).”.

7.—(1) In regulation 5(3), “£189” shall be substituted for “£186”.

(2) In regulation 5(5), “£89” shall be substituted for “£87”.

8.—(1) In regulation 6(2), after “the Act” there shall be inserted “, and those mentioned in regulation 3(2)(h),”.

(2) In regulation 6(3), after “(criminal proceedings for the purposes of section 12(2)(g) of the Act)” there shall be inserted “, except those mentioned in regulation 3(2)(h)”.

9. In regulation 7, after “a judge of the court”, there shall be inserted “the head of the Civil Appeals Office,”.

10. In regulation 10:

- (a) “(Criminal Division)” shall be deleted from the heading;
- (b) in paragraph 1(b), “the court.” shall be substituted for “criminal appeals (“the registrar”).”; and
- (c) “appropriate officer” shall be substituted for “registrar” wherever it occurs.

11.—(1) In regulation 13, “(Criminal Division)” shall be deleted from the heading.

(2) The following shall be inserted after regulation 13(1)(b):

“or

- (c) in respect of an appeal from the Financial Services and Markets Tribunal, the representatives of the assisted person before the Court of Appeal.”.

12. In regulation 14, “(Criminal Division)” shall be deleted from the heading.

13. In regulation 17(1), after “regulation 3(2)” there shall be inserted “(a) to (g)”.

14. In Schedule 2, Form A shall be deleted and shall be replaced with the following:
FORM A APPLICATION FOR THE RIGHT TO REPRESENTATION IN CRIMINAL PROCEEDINGS

(3) 2000 c. 8.
(4) 2000 c. 11.

I apply for the right to representation for the purposes of criminal proceedings in accordance with the Access to Justice Act 1999 and the Criminal Defence Service (General) (No. 2) Regulations 2001

3. The Court Proceedings

1. Personal details

1a. Surname

3a. I am due to appear before the court on

or

1b. Forenames

3b. I appeared before the court on

1c. Title (Mr, Mrs, Ms, Miss or another)

1d. Date of birth

And

1e. Home address

1f. Present address (if different from above)

(tick whichever applies)

2. Case details

2a. What charges have been brought against you? Describe briefly what it is that you are accused of doing; e.g. theft of £10 worth of CDs or assault on a neighbour

2b. Are there any co-defendants in this matter?

No/Yes (if yes give their names)

2c. Give reasons why you and your co-defendants cannot be represented by the same solicitors

4. Outstanding matters

If there are any other outstanding criminal charges or cases against you, give details including the court where you are due to appear

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Signed by authority of the Lord Chancellor

Dated 13th March 2002

Patricia Scotland
Parliamentary Secretary,
Lord Chancellor's Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make changes to the Criminal Defence Service (General) (No. 2) Regulations 2001 in order to bring appeals to the Court of Appeal from a decision of the Financial Services and Markets Tribunal within the scope of the Criminal Defence Service and to provide for representation in respect of such appeals. The Tribunal was established under section 132 of the Financial Services and Markets Act 2000.

These Regulations also, at regulation 6, extend the class of individuals to whom advice and assistance may be granted to those who have been detained under the Terrorism Act 2000.

In addition, regulation 7 amends the conditions in respect of financial eligibility for the receipt of advice and assistance and advocacy assistance.

Changes are also made to Form A, the form used for an application for the grant of a representation order.