

SCHEDULES

SCHEDULE 18

CONSEQUENTIAL AMENDMENTS

The Prosecution of Offences Act 1985 (c. 23)

- 51 In section 4 of the Prosecution of Offences Act 1985 (rights of audience etc. of Crown Prosecutors), the following subsections shall be substituted for subsections (1) to (3)—
- “(1) Crown Prosecutors shall continue to have the same rights of audience, in any court, as they had immediately before the coming into force of the Courts and Legal Services Act 1990.
 - (2) Subsection (1) is not to be taken as preventing those rights being varied or added to in accordance with the provisions of that Act.
 - (3) The Lord Chancellor may at any time direct, as respects one or more specified places where the Crown Court sits, that Crown Prosecutors, or such category of Crown Prosecutors as may be specified in the direction, may have rights of audience in the Crown Court.
 - (3A) Any such direction may be limited to apply only in relation to proceedings of a description specified in the direction.
 - (3B) In considering whether to exercise his powers under this section the Lord Chancellor shall have regard, in particular, to the need to secure the availability of persons with rights of audience in the court or proceedings in question.
 - (3C) Any direction under this section may be revoked by direction of the Lord Chancellor.
 - (3D) Any direction under this section may be subject to such conditions and restrictions as appear to the Lord Chancellor to be necessary or expedient.
 - (3E) Any exercise by the Lord Chancellor of his powers to give a direction under this section shall be with the concurrence of the Lord Chief Justice, the Master of the Rolls, the President of the Family Division and the Vice-Chancellor.”
- 52 (1) In section 14(1)(a) of that Act (regulations in relation to fees of counsel) for the word “counsel” there shall be substituted “any legal representative”.
- (2) The following definition shall be inserted in section 15(1) of that Act after the definition of “Director”—
- ““legal representative” means an authorised advocate or authorised litigator, as defined by section 119(1) of the Courts and Legal Services Act 1990.”

Status: This is the original version (as it was originally enacted).

- 53 In section 20(2) of that Act (regulations providing for the recovery of sums paid by the Legal Aid Board or out of central funds), in paragraph (a) for the words “party to proceedings” there shall be substituted “person”.