



Criminal Defence Service Act 2006

2006 CHAPTER 9

E+W

An Act to make provision about representation funded as part of the Criminal Defence Service. [30th March 2006]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

^{F1} **Grant of rights to representation** **E+W**

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Textual Amendments

- F1** Ss. 1-3 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

^{F12} **Rights to representation: financial eligibility** **E+W**

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Textual Amendments

- F1** Ss. 1-3 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

Changes to legislation: There are currently no known outstanding effects for the Criminal Defence Service Act 2006. (See end of Document for details)

F13 Rights to representation: contribution orders E+W

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Textual Amendments
F1 Ss. 1-3 repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

4 Consequential amendments E+W

F2(1)

(2) Subsection (3) applies to the following enactments—

- F3**(a)
- F3**(b)
- F4**(c)

- (d) paragraph 5(7) of Schedule 6 to that Act (local authority residence requirement not to be imposed in respect of offender not legally represented in court, except in certain cases), and
- (e) paragraph 5A(6) of that Schedule (foster parent residence requirement not to be imposed in respect of offender not legally represented in court, except in certain cases).

(3) In each of the enactments to which this subsection applies—

- (a) in paragraph (a) (right to representation funded by the Legal Services Commission as part of the Criminal Defence Service withdrawn because of conduct), after “conduct” there is inserted “ or because it appeared that his financial resources were such that he was not eligible to be granted such a right ”, and
- (b) for “or” at the end of that paragraph there is substituted—
 - “(aa) he applied for such representation and the application was refused because it appeared that his financial resources were such that he was not eligible to be granted a right to it; or”.

Textual Amendments

F2 S. 4(1) repealed (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 5 Pt. 2](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

F3 S. 4(2)(a)(b) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 12 para. 53](#); S.I. 2012/2906, art. 2(j) (with art. 7(2)(h)(3)); S.I. 2012/2906, art. 2(j) (with art. 7(2)(h)(3))

F4 S. 4(2)(c) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Modifications etc. (not altering text)

C1 S. 4(2)(c) modified (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2) (3) and 2020 c. 17, ss. 2, 416)) by [Sentencing \(Pre-consolidation Amendments\) Act 2020 \(c. 9\)](#), [ss. 1, 5\(2\)\(3\)](#); S.I. 2012/1236, reg. 2

Changes to legislation: There are currently no known outstanding effects for the Criminal Defence Service Act 2006. (See end of Document for details)

5 Short title, commencement and extent **E+W**

- (1) This Act may be cited as the Criminal Defence Service Act 2006.
- (2) This Act, except this section, shall come into force on such day as the Lord Chancellor may by order made by statutory instrument appoint; and different days may be appointed for different purposes.
- (3) The Lord Chancellor may by order made by statutory instrument make such transitional provision or savings as he thinks fit in connection with the coming into force of any provision of this Act.
- (4) This Act extends to England and Wales only.

Subordinate Legislation Made

P1 [S. 5\(2\)](#) power fully exercised: 2.10.2006 appointed by {[S.I. 2006/2491](#)}, art. 2

Changes to legislation:

There are currently no known outstanding effects for the Criminal Defence Service Act 2006.