



# Geneva Conventions Act 1957

1957 CHAPTER 52 5 and 6 Eliz 2

*Provisions as to certain legal proceedings*

## **3 Legal representation of certain persons.**

- (1) The court before which—
  - (a) any person is brought up for trial for an offence under section one of this Act; or
  - (b) a protected prisoner of war is brought up for trial for any offence,shall not proceed with the trial unless—
  - (i) the accused is represented by counsel; and
  - (ii) it is proved to the satisfaction of the court that a period of not less than fourteen days has elapsed since instructions for the representation of the accused at the trial were first given to the solicitor by whom that counsel was instructed,and if the court adjourns the trial for the purpose of enabling the requirements of this subsection to be complied with, then, notwithstanding anything in any other enactment, the court may remand the accused for the period of the adjournment.
- (2) Where the accused is a protected prisoner of war, in the absence of counsel accepted by the accused as representing him, counsel instructed for the purpose on behalf of the protecting power shall, without prejudice to the requirements of paragraph (ii) of the foregoing subsection, be regarded for the purposes of that subsection as representing the accused.
- (3) If the court adjourns the trial in pursuance of subsection (1) of this section by reason that the accused is not represented by counsel, the court shall direct that a solicitor and counsel be assigned to watch over the interests of the accused at any further proceedings in connection with the offence, and at any such further proceedings, in the absence of counsel either accepted by the accused as representing him or instructed as mentioned in the last foregoing subsection, counsel assigned in pursuance of this subsection shall, without prejudice to the requirements of paragraph (ii) of the said subsection (1), be regarded for the purposes of that subsection as representing the accused.

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*Changes to legislation: There are currently no known outstanding effects for the Geneva Conventions Act 1957, Section 3. (See end of Document for details)*

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- (4) In relation to any proceedings before a court before which the accused may be heard by a solicitor, the foregoing provisions of this section shall be construed, with any necessary modifications, as if references therein to counsel were references to counsel or a solicitor; and for the purposes of any such proceedings the court in giving a direction under the last foregoing subsection may, if the court is satisfied that the nature of the charge and the interests of justice do not require that the interests of the accused should be watched over by counsel, direct that a solicitor only shall be assigned as mentioned in that subsection.
- (5) A solicitor or counsel shall be assigned in pursuance of subsection (3) of this section in such manner as Her Majesty may by Order in Council prescribe, and any solicitor or counsel so assigned shall be entitled to be paid by the Secretary of State out of moneys provided by Parliament such sums in respect of fees and disbursements as the Secretary of State may by regulations made by statutory instrument prescribe.

[<sup>F1</sup>(6) In this section—

“counsel” includes any person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience (within the meaning of that Act);

“solicitor” includes any person who, for the purposes of that Act, is an authorised person in relation to an activity which constitutes the conduct of litigation (within the meaning of that Act).]

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**Textual Amendments**

- F1** S. 3(6) inserted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), s. 211(2), [Sch. 21 para. 23](#) (with ss. 29, 192, 193); [S.I. 2009/3250](#), art. 2(h)

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**Modifications etc. (not altering text)**

- C1** S. 3(3)(4)(5) amended (E.W.)(1.1.1992) by [S.I. 1991/2684](#), arts. 2(1), 4, 5, [Sch.1](#)
- C2** S. 3(3)(4)(5) applied (with modifications) (E.W.S.) (23.12.2011) by [The Legal Services Act 2007 \(Designation as a Licensing Authority\) \(No. 2\) Order 2011 \(S.I. 2011/2866\)](#), art. 1(2), [Sch. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Geneva Conventions Act 1957, Section 3.