
STATUTORY INSTRUMENTS

2009 No. 2875

**LEGAL SERVICES COMMISSION,
ENGLAND AND WALES**

**The Criminal Defence Service
(Interests of Justice) Regulations 2009**

Made - - - - 27th October 2009

Laid before Parliament 28th October 2009

Coming into force in accordance with regulation 1

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by sections 25(8) and 26 of and paragraph 5(4) of Schedule 3 to the Access to Justice Act 1999⁽¹⁾.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Criminal Defence Service (Interests of Justice) Regulations 2009.

(2) These Regulations apply to proceedings in the Crown Court on an indictment or arising out of a committal to the Crown Court for sentence, but do not apply to an appeal to the Crown Court in criminal proceedings.

(3) These Regulations come into force—

- (a) in relation to any magistrates' court in any of the local justice areas listed in the first part of the table in the Schedule to these Regulations, on 11th January 2010; and
- (b) in relation to any other magistrates' court in any of the courts board areas listed—
 - (i) in the second part of that table, on 12th April 2010;
 - (ii) in the third part of that table, on 26th April 2010;
 - (iii) in the fourth part of that table, on 10th May 2010;
 - (iv) in the fifth part of that table, on 17th May 2010;
 - (v) in the sixth part of that table, on 24th May 2010;
 - (vi) in the seventh part of that table, on 14th June 2010;

⁽¹⁾ 1999 c. 22. Section 26 of the Act defines “prescribed” as prescribed by regulations and “regulations” as regulations made by the Lord Chancellor. The reference to the Lord Chancellor was changed to the Secretary of State for Constitutional Affairs by S.I. 2003/1887 and changed back to the Lord Chancellor by S.I. 2005/3429.

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(vii) in the eighth part of that table, on 28th June 2010.

(4) These Regulations apply only to an application for a grant of a right to representation which is received in a magistrates' court on or after the date on which these Regulations come into force in relation to that court.

2. The grant of a right to representation shall be taken to be in the interests of justice in relation to criminal proceedings to which these Regulations apply in respect of any individual before the Crown Court.

Signed by authority of the Lord Chancellor

27th October 2009

Bach
Parliamentary Under Secretary of State
Ministry of Justice

SCHEDULE

Regulation 1

Commencement of Regulations

Part 1 – Commencement on 11th January 2010

Local Justice Areas

Camden and Islington; Bradford; Calderdale; Huddersfield; Keighley; Skipton; Blackburn, Darwen and Ribble Valley; Furness and District; Fylde Coast; Lancaster; Preston; Great Yarmouth; Norwich; West Norfolk; Ceredigion; Llanelli; Neath Port Talbot; Pembrokeshire; Swansea County

Part 2 – Commencement on 12th April 2010

Courts Board Areas

Avon and Somerset; Devon and Cornwall; Dorset, Gloucestershire and Wiltshire; Hampshire and Isle of Wight

Part 3 – Commencement on 26th April 2010

Courts Board Areas

Birmingham, Coventry, Solihull and Warwickshire; Black Country, Staffordshire and West Mercia; Derbyshire and Nottingham; Lincolnshire, Leicestershire, and Rutland and Northamptonshire

Part 4 – Commencement on 10th May 2010

Courts Board Areas

Cheshire and Merseyside, Cumbria and Lancashire; Greater Manchester

Part 5 – Commencement on 17th May 2010

Courts Board Areas

Cleveland, Durham and Northumbria; Humber and South Yorkshire; North and West Yorkshire

Part 6 – Commencement on 24th May 2010

Courts Board Areas

Mid and West Wales; North Wales; South East Wales

Part 7 – Commencement on 14th June 2010

Courts Board Areas

Bedfordshire, Essex and Hertfordshire; Cambridgeshire, Norfolk and Suffolk; Kent; Surrey and Sussex; Thames Valley

Part 8 – Commencement on 28th June 2010

Courts Board Area

London

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that it will be deemed to be in the interests of justice for an individual who is the subject of a trial on indictment in, or committal for sentence to, the Crown Court to be granted a publicly funded right to representation.

An impact assessment relating to the introduction of means testing in the Crown Court is available from Criminal Legal Aid Strategy Division, Ministry of Justice, 102 Petty France, London SW1H 9AG or at www.justice.gov.uk.