This Statutory Instrument has been made in consequence of a defect in SI 2009/2876 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2010 No. 1848

LEGAL SERVICES COMMISSION, ENGLAND AND WALES

The Criminal Defence Service (General) (No. 2) (Amendment) Regulations 2010

Made - - - -	*19th July 2010*
Laid before Parliament	*20th July 2010*
Coming into force - -	*11th August 2010*

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by paragraph 2 of Schedule 3 to the Access to Justice Act 1999(**a**):

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Criminal Defence Service (General) (No. 2) (Amendment) Regulations 2010 and come into force on 11th August 2010.

(2) These Regulations apply to grants of representation orders made on or after the day on which these Regulations come into force.

(3) In these Regulations, "the 2001 Regulations" means the Criminal Defence Service (General) (No. 2) Regulations 2001(**b**).

Amendments to the 2001 Regulations

2. For regulation 7 of the 2001 Regulations and its heading substitute—

"**Power of the High Court and the Court of Appeal to grant representation**

7.—(1) The High Court or a judge of that Court may grant a representation order in respect of criminal proceedings in the High Court or the Supreme Court, whether or not an application has been made for such an order.

(2) The Court of Appeal, a judge of that Court, the head of the Civil Appeals Office or the Registrar of Criminal Appeals may grant a representation order in respect of criminal

(**a**) 1999 c. 22. Section 26 defines "regulations" as regulations made by the Lord Chancellor. The reference to the Lord Chancellor was changed to the Secretary of State by S.I. 2003/1887 and changed back to the Lord Chancellor by S.I. 2005/3429. There are amendments to Schedule 3 of the 1999 Act but none are relevant.

(**b**) S.I. 2001/1437; relevant amending instruments are S.I. 2002/712, 2006/2490, 2007/2936, 2007/3550, 2009/2468, 2009/2876 and 2010/22.

proceedings in the Court of Appeal or the Supreme Court, whether or not an application has been made for such an order.".

3. In regulation 9A of the 2001 Regulations after paragraph (1) insert the following:

"(1A) Except where regulation 6(3) applies, an application for a representation order in respect of proceedings in the Supreme Court may be made in accordance with paragraph (1)(c) above."

4. In the heading to regulation 10 of the 2001 Regulations for "House of Lords" substitute "Supreme Court".

5. In regulation 13(1) of the 2001 Regulations after "in regulation 3(2))," insert "the High Court, the".

Signed by authority of the Lord Chancellor

J Djanogly
Parliamentary Under Secretary of State
Ministry of Justice

19th July 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Criminal Defence Service (General) (No. 2) Regulations 2001, which deal with advice and assistance and representation in criminal cases funded by the Legal Services Commission as part of the Criminal Defence Service.

Regulation 2 substitutes a new regulation 7 in the 2001 Regulations to provide for the grant of representation orders in respect of criminal proceedings in the High Court, the Court of Appeal and the Supreme Court. Regulation 7 of the 2001 Regulations was previously substituted by regulation 5 of the Criminal Defence Service (General) (No. 2) (Amendment No. 4) Regulations 2009. Regulation 5 of the 2009 Regulations was defective and this instrument corrects that defect. This instrument is therefore being issued free of charge to all known recipients of the 2009 Regulations.

Regulations 3 and 5 make consequential amendments to regulations 9A and 13(1) respectively of the 2001 Regulations.

Regulation 4 amends the heading to regulation 10 of the 2001 Regulations and substitutes a reference to "the House of Lords" with "the Supreme Court".

An impact assessment has not been produced for this instrument as no impact on business, charities or voluntary bodies is foreseen.

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