1963 No. 440 (L. 3)

CRIMINAL PROCEDURE, ENGLAND AND WALES

The Summary Jurisdiction Appeals (Counsel and Solicitor) Rules 1963

Made - - - - 4*th March* 1963
Coming into Operation 1*st April* 1963

In pursuance of the powers conferred on me by section 2 (7) of the Summary Jurisdiction (Appeals) Act 1933(a), I hereby, with the approval of the Lord Chancellor and a Secretary of State, make the following Rules :—

1.—(1) In Rule 1 of the Summary Jurisdiction Appeals (Counsel and Solicitor) Rules 1933(b) (which relates to the keeping of a list of solicitors willing to act for poor appellants and respondents in appeals to which section 2 of the Summary Jurisdiction (Appeals) Act 1933 applies, and provides that the name of any solicitor shall be removed from the list by direction of the Chairman of the Appeal Committee of Quarter Sessions), the words " the Appeal Committee of " shall be omitted.

(2) Rule 8 of the said Rules (which provides that any reference in the Rules to the Chairman of the Appeal Committee of Quarter Sessions shall in the case of the county of London be construed as a reference to the Chairman of Quarter Sessions) is hereby revoked.

(3) In the Schedule to the said Rules at the foot of Form E (being the form of an appeal aid certificate granted by Quarter Sessions), in the words " Chairman [*or* Deputy Chairman] of the Appeal Committee of Quarter Sessions " (being words descriptive of the signatory of the certificate), the words " the Appeal Committee of " shall be omitted.

2. In the said Schedule, in Form D (being the form of appeal aid certificate granted by Justices) and in Form E (being the form of appeal aid certificate granted by Quarter Sessions), the words " by reason of the nature of the offence of which the appellant was convicted [*or* of the sentence passed upon the appellant] [*or* of exceptional circumstances] " shall be omitted.

3. In the said Schedule, in the said Form E, after the words " has unsuccessfully applied " there shall be inserted the words " [*or* had adequate reasons for not applying] ".

4. These Rules may be cited as the Summary Jurisdiction Appeals (Counsel and Solicitor) Rules 1963 and shall come into operation on 1st April 1963.

John Hobson,
Attorney-General.

4th March 1963.

(a) 23 & 24 Geo. 5. c. 38. (b) S.R. & O. 1933/1118 (Rev. V, p. 402: 1933, p. 561).

Approved,

Dilhorne, C.
Henry Brooke.

4th March 1963.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

Rule 1 of these Rules is consequential upon section 4 (6) of the Criminal Justice Administration Act 1962, which provides that the functions of an appeal committee of quarter sessions shall be exercised by the court by which the committee was appointed. Rule 2 is consequential upon the coming into operation of section 18 (2) of the Legal Aid and Advice Act 1949, which repeals in section 2 (2) of the Summary Jurisdiction (Appeals) Act 1933 words similar to those to be omitted from the Form. Rule 3 is consequential upon the coming into operation of section 20 (4) of the Act of 1949, which enables an application for free legal aid to be made to a court before which an appeal is heard although no previous application has been made to a magistrates' court, if the applicant has adequate reasons for not having made such previous application.