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STATUTORY INSTRUMENTS

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**2001 No. 1437**

**The Criminal Defence Service  
(General) (No. 2) Regulations 2001**

**PART III**

**APPLICATIONS FOR REPRESENTATION ORDERS**

**Representation order**

6.—(1) Any application for the grant of a representation order shall be made on form A in Schedule 2 to these Regulations and, subject to regulation 10(5) and (6), the date of any representation order shall be the date upon which such form, properly completed, is received in accordance with these Regulations.

(2) Any application for the grant of a representation order in respect of the proceedings mentioned in section 12(2)(a) to (f) of the Act shall be made in accordance with regulations 8, 9 and 10.

(3) Any application for the grant of a representation order in respect of the proceedings mentioned in regulation 3(2) (criminal proceedings for the purposes of section 12(2)(g) of the Act):

- (a) shall be made to the Commission; and
- (b) may be granted only by the Commission or a person acting on behalf of the Commission where such function has been delegated in accordance with section 3(4) of the Act.

(4) Where an application under paragraph (3) is refused, the Commission shall provide to the applicant:

- (a) written reasons for the refusal; and
- (b) details of the appeal process.

(5) Where the person who requires representation is aged less than 17, the application for the grant of a representation order may be made by his parent or guardian on his behalf.

(6) The appropriate officer of each court shall keep a record of every application to that court for a representation order, and of its outcome.

(7) The appropriate officer shall send to the Lord Chancellor such information from the record mentioned in paragraph (6) as the Lord Chancellor may request.

**General power to grant representation**

7. The court, a judge of the court, or the registrar of criminal appeals may grant a representation order at any stage of the proceedings in the circumstances set out in these Regulations whether or not an application has been made for such an order.

**Proceedings in a magistrates' court**

8.—(1) Other than where regulation 6(3) applies, an application for a representation order in respect of proceedings in a magistrates' court may be made:

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- (a) orally or in writing to the court; or
  - (b) in writing to the appropriate officer.
- (2) Where an application is made to the court, it may refer it to the appropriate officer for determination.
- (3) Where an application is refused, the appropriate officer shall provide to the applicant:
- (a) written reasons for the refusal; and
  - (b) details of the appeal process.