
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 46

REPRESENTATIVES

Notice of appointment, etc. of legal representative: general rules

46.2.—(1) This rule applies—

(a) in relation to—

- (i) a party who does not have legal aid for the purposes of a case, and
- (ii) a party to an extradition case in the High Court, whether that party has legal aid or not;

(b) where such a party—

- (i) appoints a legal representative for the purposes of the case, or
- (ii) dismisses such a representative, with or without appointing another; and

(c) where a legal representative for such a party withdraws from the case.

(2) Where paragraph (1)(b) applies, that party must give notice of the appointment or dismissal to—

- (a) the court officer;
- (b) each other party; and
- (c) where applicable, the legal representative who has been dismissed,

as soon as practicable and in any event within 5 business days.

(3) Where paragraph (1)(c) applies, that legal representative must—

(a) as soon as practicable give notice to—

- (i) the court officer,
- (ii) the party whom he or she has represented, and
- (iii) each other party; and

(b) where that legal representative has represented the defendant in an extradition case in the High Court, include with the notice—

- (i) confirmation that the defendant has notice of when and where the appeal hearing will take place and of the need to attend, if the defendant is on bail,
- (ii) details sufficient to locate the defendant, including details of the custodian and of the defendant's date of birth and custody reference, if the defendant is in custody, and
- (iii) details of any arrangements likely to be required by the defendant to facilitate his or her participation in consequence of the representative's withdrawal, including arrangements for interpretation.

- (4) Any such notice—
 - (a) may be given orally if—
 - (i) it is given at a hearing, and
 - (ii) it specifies no restriction under paragraph (5)(b) (restricted scope of appointment);
but
 - (b) must be in writing in any other case.
- (5) A notice of the appointment of a legal representative—
 - (a) must identify—
 - (i) the legal representative who has been appointed, with details of how to contact that representative, and
 - (ii) all those to whom the notice is given;
 - (b) may specify a restriction, or restrictions, on the purpose or duration of the appointment;
and
 - (c) if it specifies any such restriction, may nonetheless provide that documents may continue to be served on the represented party at the representative’s address until—
 - (i) further notice is given under this rule, or
 - (ii) that party obtains legal aid for the purposes of the case.
- (6) A legal representative who is dismissed by a party or who withdraws from representing a party must, as soon as practicable, make available to that party such documents in the representative’s possession as have been served on that party.

Commencement Information

II Rule 46.2 in force at 5.10.2020, see Preamble

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 46.2.