

11. Justices issuing any legal aid certificate as aforesaid shall, after taking into consideration any representations made by the accused person, assign to him a practitioner for the purpose of the preparation and conduct of his defence before them in the manner following :—

- (a) If there is a Registry of the Supreme Court at the place where the Justices are sitting such assignment shall be made from the list mentioned in Regulation 4 hereof, which shall be made available for this purpose by the Registrar; or if there shall be no such list, or if none of the persons therein named shall be willing to act, then the Justices shall assign some other practitioner who is willing to act :
- (b) If there is no Registry of the Supreme Court at the place where the Justices are sitting the Justices may assign any practitioner who is willing to act :

Provided that in cases where the accused person is charged with an offence punishable by sentence of death the Justices may assign any practitioner (whether or not his name appears on the said list) whom the accused person may desire to defend him and who is willing to act.

12. In cases where the accused person is committed for trial, the legal aid certificate shall be forwarded (in duplicate) with the depositions to the Registrar of the Supreme Court together with the name of the practitioner who acted for the accused person at the preliminary hearing.

#### MEANS OF ACCUSED PERSON.

13. An application to Justices for a defence certificate or a legal aid certificate may, if the accused person so desires and the Justices think fit, be wholly heard in private, and such part thereof as involves an inquiry into the means of the accused person shall in all cases be heard in private.

14. If at any time after the issue of a defence certificate or a legal aid certificate it is made to appear that the accused person has sufficient means to enable him to obtain legal aid in the preparation and conduct of his defence the Judge or the Justices empowered to make the assignment may direct that no legal aid or (as the case may be) no further legal aid be afforded to such accused person under these regulations, and no assignment under these regulations shall thereafter be made or if made shall have any further effect, and on the communication of such direction to the person nominated such person shall not be entitled to fees under these regulations for any appearance, work, or matter subsequent to the communication to him of such direction.

#### ALLOWANCES TO DEFENDING PRACTITIONERS.

15. Except as hereinafter provided, every person appointed under these regulations to defend any accused person will be granted an inclusive allowance of the same amount as the fee from time to time prescribed by the Crown Legal Business Regulations, 1932, as being payable to the Crown Solicitor as counsel on the prosecution of the same person on the same charge (but without reference to any fee allowed to a Crown Solicitor as solicitor for preparing an indictment or other matter).

16. Every person appointed under these regulations to defend any accused person on a charge punishable by sentence of death will be granted an inclusive allowance of £5 5s. for each day occupied at the trial and a like allowance of £5 5s. for each full day (not exceeding five days in all) occupied in preparing for trial, and (if appearing at the preliminary hearing) a like fee of £5 5s. for each day necessarily occupied on the preliminary hearing.

17. The allowances payable under these regulations shall be deemed to cover all charges for the issue of subpoenas, the procuring and issue of process to bring up witnesses in custody, and all other proceedings or preparation connected with or incidental to the trial.

18. Allowances in a case reserved for the consideration of the Court of Appeal, or on an application for a new trial or an appeal against sentence, or against any determination of Justices, shall be such as shall be fixed by the Minister of Justice in each case.

19. Except as provided in the next succeeding regulation, no person appointed under these regulations shall, whether in the capacity of barrister or in the capacity of solicitor, and whether from the accused person or any other person, and whether directly or indirectly, receive any fee or remuneration or take the benefit of any contract or promise to pay any fee or remuneration in respect of his services in the defence of such accused person.

20. Nevertheless a Judge may, on application made to him in writing signed by the practitioner and upon full disclosure of all facts connected therewith, allow any fee or remuneration specified by the Judge in lieu of or in addition to the fee prescribed by these regulations, to be so received by any person in respect of his services in the defence of an accused person.