



- (b) if the case were to proceed to trial, the trial would in the opinion of the Commission be likely to last no fewer than 25 and no more than 40 days, and the Commission considers that there are circumstances which make it suitable to be dealt with under its contractual arrangements for Very High Cost Cases;

“Very High Cost Case (Crime) Panel” means a panel set up by the Commission from which representatives may be chosen to provide representation in Very High Cost Cases.

### **Application**

3. These Regulations apply to proceedings which the Commission classifies as Very High Cost Cases on or after the date on which the Regulations come into force.

### **Change of representative in Very High Cost Case**

4.—(1) This regulation applies where the representative at the date of the classification of a case as a Very High Cost Case is not a member of a Very High Cost Case (Crime) Panel.

(2) Where this regulation applies—

- (a) the Commission is no longer required to fund representation by the representative referred to in paragraph (1); and
- (b) the individual in whose favour the representation order was granted may select a different representative, from a Very High Cost Case (Crime) Panel, in accordance with the Criminal Defence Service (General) (No. 2) Regulations 2001(a).

### **Revocation**

5. The Criminal Defence Service (Choice in Very High Cost Cases) Regulations 2001(b) are revoked.

Signed by authority of the Lord Chancellor

Date

*Name*  
Parliamentary Under Secretary of State  
Ministry of Justice

---

(a) S.I. 2001/1437; relevant amendments are in S.I. 2002/712 and 2004/2046.  
(b) S.I. 2001/1169, amended by S.I. 2004/598 and 2004/3345.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Individuals who receive publicly funded legal representation in criminal cases may usually choose their representative. An exception is very high cost cases, for which the representative must be a member of a panel set up by the Legal Services Commission. These Regulations provide that where an individual has chosen a representative who is not a member of such a panel and the case then becomes a very high cost case, the Commission need not continue to fund representation by that representative and the individual may choose a new representative, from the panel. They replace the Criminal Defence Service (Choice in Very High Cost Cases) Regulations 2001 (S.I. 2001/1169). A regulatory impact assessment of the effects of the reform of the very high cost case regime is available from the Legal Services Commission, 85 Gray's Inn Road, London WC1X 8TX ([www.legalservices.gov.uk](http://www.legalservices.gov.uk)).

*Draft Regulations laid before Parliament under section 25(9) of the Access to Justice Act 1999,  
for approval by resolution of each House of Parliament.*

---

DRAFT STATUTORY INSTRUMENTS

---

**2007 No. 0000**

**LEGAL SERVICES COMMISSION, ENGLAND AND  
WALES**

**The Criminal Defence Service (Very High Cost Cases)  
Regulations 2007**

**£3.00**

© Crown copyright 2007

Printed and published in the UK by The Stationery Office Limited  
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's  
Stationery Office and Queen's Printer of Acts of Parliament.

E1059 7/2007 171059T 19585