
STATUTORY INSTRUMENTS

2001 No. 855

**LEGAL SERVICES COMMISSION,
ENGLAND AND WALES**

The Criminal Defence Service (Funding) Order 2001

<i>Made</i>	- - - -	<i>8th March 2001</i>
<i>Laid before Parliament</i>		<i>12th March 2001</i>
<i>Coming into force</i>		<i>2nd April 2001</i>

THE CRIMINAL DEFENCE SERVICE (FUNDING) ORDER 2001

1. Citation and commencement
 2. Interpretation
 3. Funding of services—Lord Chancellor
 4. Other than where the case is remitted back to the...
 5. Remuneration in respect of the proceedings mentioned in article 3(1)...
 6. Where representation is funded by the Lord Chancellor in a...
 7. Funding of services—Legal Services Commission
 8. Except as provided in article 9, where the Commission funds...
 9. Where services are provided in a Very High Cost Case...
 10. Proceedings for contempt
 11. (1) A representative may, when he claims remuneration for work...
 12. The provisions of Schedule 1 shall apply with the necessary...
 13. Where a representation order has been made in respect of...
 14. Very High Cost Cases—assignment of cases to categories and solicitors to levels
- Signature

SCHEDULE 1 —

1. General
2. Interim payment of disbursements
3. Interim disbursements and final determination of costs
4. Interim payments in cases awaiting determination
5. Amount of interim payments in cases awaiting determination
6. Staged payments in long Crown Court cases
7. Interim payments for attendance at trial and refreshers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

8. Advance payments for early preparation in Crown Court cases
9. Hardship payments
10. Computation of final claim
11. Claims for costs by solicitors
12. Determination of solicitors' fees
13. Determination of solicitors' disbursements
14. Claims for fees by an advocate
15. Determination of advocate's fees
16. (1) Subject to sub-paragraph (2), where the court has disallowed...
17. Payment of costs
18. Recovery of overpayments
19. Notification of costs
20. Redetermination of costs by appropriate officer
21. Appeals to a Costs Judge
22. Appeals to the High Court
23. Time limits
24. House of Lords

SCHEDULE 2 — SOLICITORS' FEES

PART 1 — FEES DETERMINED UNDER PARAGRAPH 12 OF SCHEDULE

1

1. Subject to paragraphs 2 and 3, for proceedings in the...
2. In relation to any hearing specified in paragraph 12(8) of...
3. In respect of any item of work, the appropriate officer...
4. (1) Upon a determination the appropriate officer may allow fees...

PART 2 — STANDARD FEES IN THE CROWN COURT

1. Application
2. Allowance of standard fees
3. (1) Where a solicitor: (a) submits a claim for determination...
4. Standard fees
5. Disbursements
6. Re-determinations and appeals
7. Irrespective of any dispute under paragraph 2 as to whether...
8. (1) A solicitor may appeal to a Costs Judge where...

SCHEDULE 3 — COUNSEL'S FEES

1. The appropriate officer shall allow such fee in respect of...
2. Where an hourly rate is specified in a Table in...
3. Where a refresher fee is claimed in respect of less...
4. The fees allowed to junior counsel for proceedings in the...
5. Paragraph 24 of Schedule 4 shall apply where an advocate's...

SCHEDULE 4 — FEES FOR ADVOCACY IN THE CROWN COURT

PART 1 — DEFINITION AND SCOPE

1. (1) In this Schedule: "trial advocate" means a person instructed...
2. (1) Subject to the following sub-paragraphs of this paragraph and...
3. This Schedule also applies to the following proceedings in the...
4. This Schedule does not apply to any case where:
5. (1) The offences to which this paragraph refers are:
6. (1) The classes of work for which a graduated or...

PART 2 — GRADUATED FEES FOR TRIAL

7. (1) The amount of the graduated fee for a single...
8. For the purposes of paragraph 7 the basic fee, refresher,...

PART 3 — GRADUATED FEES FOR GUILTY PLEAS AND CRACKED TRIALS

9. (1) The amount of the graduated fee for a single...
 10. For the purposes of paragraph 9 the basic fee and...
- PART 4 — FIXED AND HOURLY FEES
11. (1) The basic fee payable for any person for appearing...
 12. (1) The fixed fee set out in the Table following...
 13. (1) This paragraph applies to: (a) the hearing of an...
 14. (1) This paragraph applies to: (a) a hearing to which...
 15. (1) The fee payable to any person for appearing at...
 16. A fee under this paragraph, of the amount set out...
 17. (1) Where this paragraph applies, a special preparation fee may...
 18. (1) A wasted preparation fee may be claimed where a...
 19. (1) The hourly fee set out in the Table following...
 20. The additional fee set out in the Table following paragraph...
 21. (1) Subject to paragraph 15(4) of Schedule 1, and to...
 22. The remuneration payable to a representative retained solely for the...

PART 5 — MISCELLANEOUS

23. (1) Where an assisted person is charged with more than...
24. (1) Where in any case on indictment two trial advocates...
25. Where a person is instructed to appear in court which...

SCHEDULE 5 — VERY HIGH COST CASES

- 1.1 In circumstances where the Commission or (as the case may...
- 2.1 The Commission or (as the case may be) the appropriate...
- 3.1 Solicitor advocates will be paid the appropriate rate for a...
- 3.2 The full daily rate in Table 3 of this Schedule...
- 4.1 The rates in Table 4 of this Schedule will only...

Explanatory Note