
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Criminal Defence Service (Funding) Order 2001 (“the 2001 Order”).

The principal amendments are as follows:

- (a) An appeal to the High Court against a costs judge’s decision will be governed by Part 52 of the Civil Procedure Rules 1998 instead of Part 8 of those rules (article 4).
- (b) The power to grant an uplift of solicitors' fees is restricted to certain types of work in respect of certain offences and to a maximum of 100 per cent in all cases (article 5).
- (c) Schedule 4 to the 2001 Order which concerns fees for advocacy in the Crown Court is amended so that it covers all guilty pleas and cracked trials (article 8).
- (d) New scales of graduated fees for trials in the Crown Court are substituted in the table in paragraph 8 in Part 2 of Schedule 4 (article 9 and Part 1 of the Schedule).
- (e) A new payment scheme for guilty pleas and cracked trials is introduced by the substitution of new scales in the table in paragraph 10 in Part 3 of Schedule 4 (article 11 and Part 2 of the Schedule).
- (f) The proportions of the fees payable to advocates other than Queen’s Counsel where two trial advocates are instructed to represent the same person are altered (article 17).
- (g) The rates of pay in very high cost cases for preparation, advocacy and preliminary hearings are altered by the substitution of new tables in Schedule 5 to the 2001 Order (article 22).

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.