
STATUTORY INSTRUMENTS

2010 No. 1181

**The Criminal Defence Service (Funding)
(Amendment No. 2) Order 2010**

Citation, commencement and interpretation

1. This Order may be cited as the Criminal Defence Service (Funding) (Amendment No. 2) Order 2010.
2. This Order comes into force on 27th April 2010, except for article 5 which comes into force on 14th July 2010.
3. In this Order—
 - (a) “representation order” means a document granting a right to representation;
 - (b) “the 2007 Order” means the Criminal Defence Service (Funding) Order 2007⁽¹⁾.

Amendments to the 2007 Order

4. The 2007 Order is amended in accordance with articles 5 to 8 of this Order.
- 5.—(1) This article applies to proceedings in which a representation order is granted on or after 14th July 2010.
 - (2) In article 2, for the definition of “Very High Cost Case” substitute—

““Very High Cost Case” means a case in which a representation order has been granted and which the Commission classifies as a Very High Cost Case on the grounds that—

 - (a) in relation to fees claimed by litigators—
 - (i) if the case were to proceed to trial, the trial would in the opinion of the Commission be likely to last for more than 40 days, and the Commission considers that there are no exceptional circumstances which make it unsuitable to be dealt with under its contractual arrangements for Very High Cost Cases; or
 - (ii) 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 Cases;
 - (b) in relation to fees claimed by advocates, if the case were to proceed to trial, the trial would in the opinion of the Commission be likely to last for more than 60 days, and the Commission considers that there are no exceptional circumstances which make it unsuitable to be dealt with under its contractual arrangements for Very High Cost Cases.”
 - (3) In —
 - (a) paragraphs 20(7A) and 24A(1), (2)(a) and (3) of Schedule 1, after each reference to “Very High Cost Case” insert “(in relation to fees claimed by advocates)”;

⁽¹⁾ S.I. 2007/1174. Relevant amending instruments are S.I. 2007/3552, 2009/1843, 2009/2086.

- (b) paragraphs 2(6) and 2(7) of Schedule 2, after each reference to “Very High Cost Case” insert “(in relation to fees claimed by litigators)”;
- (c) paragraph 25(1) of Schedule 2, after the first reference to “Very High Cost Case” insert “(in relation to fees claimed by advocates)”.

6.—(1) This article applies to proceedings in which a representation order is granted on or after 27th April 2010 but before 1st April 2011.

(2) In Schedule 1 to the 2007 Order—

- (a) for the Table of Fees and Uplifts following paragraph 5, and the heading to that table, substitute the table and heading in Part 1 of Schedule 1 to this Order;
- (b) for Tables A and B following paragraph 7, and the headings to those tables, substitute the tables and headings in Part 2 of Schedule 1 to this Order;
- (c) for the table following paragraph 11(2)(c), substitute the table in Part 3 of Schedule 1 to this Order;
- (d) for the table following paragraph 19, and the heading to that table, substitute the table and heading in Part 4 of Schedule 1 to this Order;
- (e) for the table following paragraph 25, and the heading to that table, substitute the table and heading in Part 5 of Schedule 1 to this Order.

7.—(1) This article applies where a representation order is granted on or after 1st April 2011 but before 1st April 2012.

(2) In Schedule 1 to the 2007 Order—

- (a) for the Table of Fees and Uplifts following paragraph 5, and the heading to that table, substitute the table and heading in Part 1 of Schedule 2 to this Order;
- (b) for Tables A and B following paragraph 7, and the headings to those tables, substitute the tables and headings in Part 2 of Schedule 2 to this Order;
- (c) for the table following paragraph 11(2)(c), substitute the table in Part 3 of Schedule 2 to this Order;
- (d) for the table following paragraph 19, and the heading to that table, substitute the table and heading in Part 4 of Schedule 2 to this Order;
- (e) for the table following paragraph 25, and the heading to that table, substitute the table and heading in Part 5 of Schedule 2 to this Order.

8.—(1) This article applies where a representation order is granted on or after 1st April 2012.

(2) In Schedule 1 to the 2007 Order—

- (a) for the Table of Fees and Uplifts following paragraph 5, and the heading to that table, substitute the table and heading in Part 1 of Schedule 3 to this Order;
- (b) for Tables A and B following paragraph 7, and the headings to those tables, substitute the tables and headings in Part 2 of Schedule 3 to this Order;
- (c) for the table following paragraph 11(2)(c), substitute the table in Part 3 of Schedule 3 to this Order;
- (d) for the table following paragraph 19, and the heading to that table, substitute the table and heading in Part 4 of Schedule 3 to this Order;
- (e) for the table following paragraph 25, and the heading to that table, substitute the table and heading in Part 5 of Schedule 3 to this Order.

Signed by authority of the Lord Chancellor

5th April 2010

Bach
Parliamentary Under Secretary of State
Ministry of Justice