
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Criminal Defence Service (Funding) Order 2007 (“the 2007 Order”) which makes provision for the funding and remuneration of services provided as part of the Criminal Defence Service. The main purpose of the Order is to provide that the Legal Services Commission may only pay litigators for work done in relation to the committal of an assisted person for trial to the Crown Court in accordance with the Order.

New article 12A(3) of the 2007 Order provides that a litigator can only be paid for such work if the litigator both represented the assisted person in the committal proceedings in the magistrates’ court and holds a representation order to represent that assisted person in the Crown Court following the committal proceedings.

New article 12A(4) of the 2007 Order provides that if several assisted persons are represented by the same litigator in related proceedings and are committed to the Crown Court at the same time, the litigator may only claim a single fixed fee in relation to all such assisted persons.

Article 9 provides for the new fixed fee for committal proceedings to be inserted into the Litigators Graduated Fee Scheme in Schedule 2 to the 2007 Order.

An impact assessment relating to the fee changes introduced by this instrument has been published by the Ministry of Justice as part of “Legal Aid: Funding Reforms – Response to Consultation” and is available from the Ministry of Justice, 102 Petty France, London SW1H 9AJ or at www.justice.gov.uk.