
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the funding and remuneration of services provided under Part 1 of the Access to Justice Act 1999 as part of the Criminal Defence Service. It provides that in proceedings in the Crown Court and Court of Appeal the Legal Services Commission shall fund representation in accordance with its duty under that Act.

Articles 5 to 28 deal with the manner in which fees are to be claimed, determined and paid, including provisions permitting interim payments.

Articles 29 to 31 provide for an appeal mechanism to challenge, in certain circumstances, the appropriate officer's determination of the fees payable to a representative. The provisions deal with the redetermination of fees by an appropriate officer, appeals from the appropriate officer to a Costs Judge, and appeals from the Costs Judge to the High Court.

Schedule 1 sets out the graduated fees and fixed fees payable to advocates for proceedings in the Crown Court.

Schedule 2 sets out the fees payable to solicitors (and other appropriately qualified persons) for proceedings in the Crown Court.

Schedule 3 sets out the maximum rates payable to solicitors and advocates in Very High Cost Cases.

Schedule 4 sets out the manner in which fees are to be claimed, determined and paid in proceedings in the Court of Appeal.

A copy of the General Criminal Contract, including the Specification to the Contract, which was published by the Commission in February 2001, is available from www.legalservices.gov.uk.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.