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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Criminal Defence Service (Funding) Order 2007 ([S.I. 2007/1174](#)), which provides 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. This Order provides that in a Very High Cost Case where a litigator instructs an advocate who is not a member of a panel for such cases he may apply to the Legal Services Commission for payment in respect of the advocate's work, where the instruction is made, and the work done, in accordance with the Commission's contract for those cases. It then sets out the maximum payments which the Commission may make.

No separate impact assessment has been prepared for this Order, as it is not expected to have any different impact on businesses, charities or voluntary bodies from that of the introduction of the very high cost case regime as a whole, for which an assessment was prepared by the Legal Services Commission which is available at [www.legalservices.gov.uk](http://www.legalservices.gov.uk) or from the Legal Services Commission, 85 Gray's Inn Road, London WC1X 8TX.