

2011 No. 2065

**LEGAL SERVICES COMMISSION, ENGLAND AND
WALES**

**The Criminal Defence Service (Funding) (Amendment) Order
2011**

<i>Made</i> - - - -	<i>18th August 2011</i>
<i>Laid before Parliament</i>	<i>24th August 2011</i>
<i>Coming into force</i> - -	<i>3rd October 2011</i>

The Lord Chancellor makes this Order in exercise of the powers conferred by sections 14(3) and 25(8A) of the Access to Justice Act 1999(a).

The Lord Chancellor has consulted the General Council of the Bar and the Law Society in accordance with section 25(2) of that Act and has had regard to the matters specified in section 25(3) of that Act.

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the Criminal Defence Service (Funding) (Amendment) Order 2011 and comes into force on 3rd October 2011.

(2) 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(b).

(3) In this Order, unless the context requires otherwise, a reference to an article or schedule by number alone is a reference to the article or schedule so numbered in the 2007 Order.

(4) This Order applies to proceedings in which a representation order is granted on or after 3rd October 2011.

Amendments to the 2007 Order

2. The 2007 Order is amended as follows.

3. In article 2, omit the definitions of “Very High Cost Case contract” and “Very High Cost Case (Crime) Panel”.

4. In article 3—

(a) 1999 c.22. The reference in section 6 to the Lord Chancellor was changed to the Secretary of State by S.I.2003/1887 and changed back to the Lord Chancellor by S.I. 2005/3429. Section 25(8A) was inserted by section 153 of the Coroners and Justice Act 2009 (c.25).

(b) S.I. 2007/1174, amended by S.I. 2007/3552, 2008/957 and 2930, 2009/1843 and 2086 and 2010/679 and 1181. S.I. 2010/1181 was amended by S.I.2010/1358.

- (a) before paragraph (2), insert—
“(1A) Article 4A applies to proceedings in magistrates’ courts only.”;
- (b) in paragraph (2)—
 - (i) after “12A” insert “and 15A”; and
 - (ii) omit “and paragraph 12B of Schedule 2 to this Order and the related entry in the table following paragraph 14 of that Schedule”;
- (c) in paragraph (6A), omit “except as provided in paragraph 25 of Schedule 2”.

5. After article 4 insert—

“Funding of services in the magistrates’ court

4A. Where a representation order is granted for proceedings in the magistrates’ court—

- (a) any contract for the provision of representation must provide for the payment by the Commission at the fees and hourly rates set out in Schedule 5; and
- (b) claims for the payment of expert services must be determined in accordance with article 15A.”.

6. In article 14, at the beginning of paragraph (6), insert “Subject to article 15A,”.

7. After article 15 insert—

“Expert services

15A.—(1) Subject to paragraph (2), the Commission may provide for the payment of expert services only at the fixed fees or at rates not exceeding the rates set out in Schedule 6.

(2) The appropriate officer may, in relation to a specific claim, increase the fixed fees or rates set out in Schedule 6 if that officer considers it reasonable to do so in exceptional circumstances as defined in paragraph (3).

(3) For the purposes of paragraph (2), exceptional circumstances are where the expert’s evidence is key to the client’s case and either—

- (i) the complexity of the material is such that an expert with a high level of seniority is required; or
- (ii) the material is of such a specialised and unusual nature that only very few experts are available to provide the necessary evidence.”.

8. In article 16, after paragraph (5) insert—

“(6) Paragraph (7) applies where the Commission receives a request for funding of an expert service of a type not listed in Schedule 6.

(7) In considering the rate at which to fund the expert service the Commission—

- (a) must have regard to the rates set out in Schedule 6; and
- (b) may require more than one quotation for provision of the service to be submitted to the Commission.”.

9. In paragraph 1 of Schedule 1—

- (a) in sub-paragraph (1) in the definition of “standard appearance”, after (g) insert—
“(h) a sentencing hearing other than one falling within paragraph 2(1)(b)(ii) or paragraph 12(1);”;
- (b) in sub-paragraph (2), after “but” insert “except as mentioned in sub-paragraph (2A)”; and
- (c) after sub-paragraph (2) insert—

“(2A) A document which has existed in paper form and which the prosecution has converted into digital form to enable service by means of electronic communication is included within the number of pages of prosecution evidence for the purposes of this Schedule.”.

10. In paragraph 2 of Schedule 1—

- (a) in sub-paragraph (3), for “Sub-paragraph (4) applies” substitute “Sub-paragraphs (4) and (4A) apply”;
- (b) at the beginning of sub-paragraph (4), insert “Subject to sub-paragraph (4A),”;
- (c) after sub-paragraph (4) insert—

“(4A) Where—

- (a) in relation to the first trial, the case was committed to the Crown Court on the election of a defendant where the magistrates’ court had determined the case to be suitable for summary trial; and
- (b) the new trial becomes a cracked trial or guilty plea,

the trial advocate will receive a graduated fee, calculated in accordance with Part 2, in respect of the first trial and the fixed fee set out in paragraph 7B in respect of the new trial.

(4B) Sub-paragraphs (5) and (5A) apply in the circumstances set out in sub-paragraph (3) but where a different trial advocate appears for the assisted person at each trial.

(5) Subject to sub-paragraph (5A), in respect of each trial the trial advocate will receive a graduated fee calculated in accordance with Part 2 or Part 3 as appropriate.

(5A) Where—

- (a) in relation to the first trial, the case was committed to the Crown Court on the election of a defendant where the magistrates’ court had determined the case to be suitable for summary trial; and
- (b) the new trial becomes a cracked trial or guilty plea,

the trial advocate at the first trial will receive a graduated fee, calculated in accordance with Part 2 and the trial advocate at the new trial will receive the fixed fee set out in paragraph 7B.”.

11. In Part 3 of Schedule 1, before paragraph 6, insert—

“Scope of Part 3

5A. This Part does not apply to a case committed to the Crown Court on the election of a defendant where the magistrates’ court has determined the case to be suitable for summary trial.”.

12. After Part 3 of Schedule 1 insert—

“PART 3A

Fixed fee for Guilty Pleas and Cracked Trials

Scope of Part 3A

7A. This Part applies to a case committed to the Crown Court on the election of a defendant where the magistrates’ court has determined the case to be suitable for summary trial.

Fixed fee for guilty pleas or cracked trials

7B. The fee payable to an advocate in relation to a guilty plea or cracked trial to which this Part applies must be £203 per proceedings.”.

13. For paragraph 8 of Schedule 1 substitute—

“**8.**—(1) All work undertaken by an advocate in a case to which Part 3A applies is included within the fee set out in paragraph 7B except for attendance at a confiscation hearing to which paragraph 11 applies.

(2) Except as provided under this Part, all work undertaken by an advocate in a case to which Part 3 applies is included within the basic fee (B) specified in the Table following paragraph 5, or that following paragraph 7, as appropriate to—

- (a) the offence for which the assisted person is tried;
- (b) the category of advocate; and
- (c) whether the case is a cracked trial, guilty plea or trial.”.

14. For paragraph 12(1) of Schedule 1 substitute—

“(1) This paragraph applies to a sentencing hearing following a case on indictment to which this Schedule applies, where sentence has been deferred under section 1 of the Powers of Criminal Courts (Sentencing) Act 2000(a) (deferment of sentence).”.

15. For paragraph 14(1)(c) of Schedule 1 substitute—

“(c) any or all of the prosecution evidence as listed in paragraph 1(2)(a) to (d) is served in electronic form only, and does not fall within paragraph 1(2A), and the appropriate officer considers it reasonable to make a payment in excess of the graduated fee payable under this Schedule.”.

16. In the table following paragraph 19 of Schedule 1—

- (a) in the second column of the entry for “Deferred sentencing hearing” omit “(a)”; and
- (b) omit the entry for “Sentencing hearing”.

17. In paragraph 22 of Schedule 1—

- (a) in sub-paragraph (1) omit “graduated”;
- (b) in sub-paragraph (2)(b)(ii), after “(2)(1)(b)” insert “or paragraph 7B”;
- (c) after sub-paragraph (2) insert—

“(2A) Nothing in sub-paragraphs (3) to (5) permits a fixed fee under Part 4, other than one to which paragraph 11 applies, to be paid in a case to which Part 3A applies.”.

18. Omit paragraph 24A of Schedule 1.

19. In paragraph 1 of Schedule 2—

- (a) in sub-paragraph (2), after “but” insert “except as mentioned in sub-paragraph (2A)”; and
- (b) after sub-paragraph (2) insert—

“(2A) A document which has existed in paper form and which the prosecution has converted into digital form to enable service by means of electronic communication is included within the number of pages of prosecution evidence for the purposes of this Schedule.”.

20. In Part 2 of Schedule 2—

- (a) before paragraph 4, insert—

(a) 2000 c.6. Section 1 was substituted by section 278 of and paragraph 1 of Schedule 3 to the Criminal Justice Act 2003 (c.44).

“Scope of Part 2

3A. This Part does not apply to a guilty plea or cracked trial in a case committed to the Crown Court on the election of a defendant where the magistrates’ court has determined the case to be suitable for summary trial.”;

- (b) in the tables following paragraphs 4(1) and 6(2)—
 - (i) for the figures listed for payment in relation to class of offence A, substitute the figures listed for payment in relation to class of offence J; and
 - (ii) for the figures listed for payment in relation to class of offence G, substitute the figures listed for payment in relation to class of offence F;
- (c) in the table following paragraph 4(2)—
 - (i) for the figures listed for payment in relation “PPE Cut off A”, substitute the figures listed for payment in relation to “PPE Cut off J”; and
 - (ii) for the figures listed for payment in relation to “PPE Cut off G”, substitute the figures listed for payment in relation to “PPE Cut off F”;
- (d) for the table following paragraph 5 substitute the table in Part 1 of Schedule 1 to this Order;
- (e) in the table following paragraph 6(3)—
 - (i) for the figures listed for payment in relation “Trial length proxy A”, substitute the figures listed for payment in relation to “Trial length proxy J”; and
 - (ii) for the figures listed for payment in relation to “Trial length proxy G”, substitute the figures listed for payment in relation to “Trial length proxy F”;
- (f) for the tables following paragraph 7, and the headings to those tables, substitute the tables and headings in Part 2 of Schedule 1 to this Order;
- (g) in the table following paragraph 8(3)—
 - (i) omit the rows for class of offence A and class of offence G;
 - (ii) in the rows for class of offence J, after “J” insert “and A”;
 - (iii) in the rows for class of offence F, after “F” insert “and G”.

21. After the table following paragraph 8 of Schedule 2 insert—

“PART 2A

Fixed Fee for Guilty Pleas and Cracked Trials

Scope of Part 2A

8A. This Part applies to a guilty plea or cracked trial in a case committed to the Crown Court on the election of a defendant where the magistrates’ court has determined the case to be suitable for summary trial.

Fixed fee for guilty pleas or cracked trials

8B. The fee payable to a litigator in relation to a guilty plea or cracked trial to which this Part applies must be £362 per proceedings.

PART 2B

Defendant uplifts, Retrials and Transfers”.

22. In paragraph 9 of Schedule 2—

- (a) after sub-paragraph (3)(d) insert—
 - “(e) where appropriate the fee set out in paragraph 8B.”;
- (b) after sub-paragraph (3) insert—
 - “(4) In a case where the representation of one defendant would attract a fixed fee under Part 2A and the representation of one or more of the other defendants would attract a graduated fee under Part 2, the total fee is the fee falling within whichever of sub-paragraphs (3)(a) to (d) is appropriate.”.

23. For paragraph 10 of Schedule 2 substitute—

“Retrials and Transfers

10.—(1) Where following a trial an order is made for a retrial and the same litigator acts for the assisted person at both trials that litigator will receive—

- (a) in respect of the first trial, a fee calculated in accordance with the provisions of this Schedule; and
- (b) in respect of the retrial, 25% of the fee, as appropriate to the circumstances and timing of the retrial, in accordance with the provisions of this Schedule.

(2) Where—

- (a) a case is transferred to a new litigator; or
- (b) a retrial is ordered and a new litigator acts for the assisted person at the retrial,

the original litigator and the new litigator must receive a percentage of the total fee, in accordance with the table following this paragraph, as appropriate to the circumstances and timing of the retrial, transfer or withdrawal of the representation order.

(3) In sub-paragraph (2), “transfer” includes the grant of a representation order to an individual who, immediately before the grant of the order—

- (a) had represented himself; or
- (b) had been represented (otherwise than under a representation order) by the litigator named in the order,

and for the purposes of that sub-paragraph the litigator shall be treated as a new litigator.

(4) For the purposes of sub-paragraph (2), a case is not transferred to a new litigator where—

- (a) a firm of solicitors is named as litigator in the representation order and the solicitor or other appropriately qualified person with responsibility for the case moves to another firm;
- (b) a firm of solicitors is named as litigator in the representation order and the firm changes (whether by merger or acquisition or in some other way), but so that the new firm remains closely related to the firm named in the order; or
- (c) a solicitor or other appropriately qualified person is named as litigator in the representation order and responsibility for the case is transferred to another solicitor or appropriately qualified person in the same firm or a closely related firm.

(5) For the purposes of sub-paragraph (2), where a case which has been transferred to a new litigator is transferred again, that new litigator—

- (a) shall be treated as the original litigator, where the transfer takes place at any time before the trial or any retrial;
- (b) shall be treated as a new litigator, where the transfer takes place during the trial or any retrial; and
- (c) shall not receive any fee, where the transfer takes place after the trial or any retrial but before the sentencing hearing.

(6) Where a representation order is withdrawn before the case ends, a litigator must receive a percentage of the total fee, in accordance with the table following this paragraph, as appropriate to the circumstances and timing of a transfer.

(7) In the table following this paragraph, the total fee means—

- (a) in a cracked trial or guilty plea in a case to which Part 2 applies, where the number of pages of prosecution evidence is less than or equal to the PPE Cut-off specified in the table following paragraph 4(1), the basic fee as set out in the table following paragraph 5(2);
- (b) in a trial where the number of pages of prosecution evidence is less than or equal to the PPE Cut-off specified in the table following paragraph 4(2), the basic fee specified in the table following paragraph 6(2) plus the length of trial proxy specified in the table following paragraph 6(3);
- (c) in a cracked trial or guilty plea in a case to which Part 2 applies, where the number of pages of prosecution evidence exceeds the PPE Cut-off specified in the table following paragraph 4(1), the final fee as calculated in accordance with paragraph 7(2);
- (d) in a trial where the number of pages of prosecution evidence exceeds the PPE Cut-off specified in the table following paragraph 4(2), the final fee, as calculated in accordance with paragraph 8(2);
- (e) in a cracked trial or guilty plea in a case to which Part 2A applies, the fixed fee set out in paragraph 8B.

(8) Where a case becomes a Very High Cost Case after a representation order has been granted and is transferred from the litigator named on the representation order to a new litigator—

- (a) the original litigator will be remunerated in accordance with the individual Very High Cost Case contract entered into by that litigator; and
- (b) the new litigator will be remunerated in accordance with the individual Very High Cost Case contract entered into by that litigator.

(9) Where a case becomes a Very High Cost Case after a representation order has been granted and the representation order is withdrawn before the end of the case, the litigator will be remunerated in accordance with the table following this paragraph as appropriate to the circumstances and timing of the withdrawal.

(10) Sub-paragraph (11) applies where—

- (a) the case is a case to which Part 2A would apply if it resulted in a cracked trial or guilty plea; and
- (b) at the time the case is transferred to a new litigator in accordance with sub-paragraph (2) it is not known whether the case would result in a cracked trial or guilty plea or whether it would proceed to trial.

(11) Where this sub-paragraph applies—

- (a) for the purpose of a claim by the original litigator at the time of the transfer of the case, “total fee” in the table following this paragraph, means the fixed fee set out in paragraph 8B;
- (b) the original litigator may, if the case proceeds to trial, claim the difference between the payment received at the time of transfer of the case and the payment that would have been due at that time if that payment had been based on the case proceeding to trial.

(12) A litigator may not be treated both as an original litigator and as a new litigator in a case.”.

24. For paragraph 11 of Schedule 2 substitute—

“11.—(1) All work undertaken by a litigator in a case to which Part 2A applies is included within the fee set out in paragraph 8B except for a defendant uplift as provided for in paragraph 17.

(2) Except as provided under this Part, remuneration for all work undertaken by a litigator in a case to which Part 2 applies is included within the fee set out in Part 2 of this schedule as appropriate to—

- (a) the offence for which the assisted person is charged or tried;
- (b) whether the case is a cracked trial, guilty plea or trial; and
- (c) the number of pages of prosecution evidence.”.

25. Omit paragraph 12B of Schedule 2 and the entry for “Committal proceedings” in the table following paragraph 14 of that Schedule.

26. For paragraph 15(1)(a) of Schedule 2 substitute—

“(a) in respect of which a fee is payable under Part 2, where any or all of the prosecution evidence, as listed in paragraph 1(2)(a) to (d) is served in electronic form only and does not fall within paragraph 1(2A);”.

27. In paragraph 17 of Schedule 2—

(a) in sub-paragraph (3)(a), after “sub-paragraph (2)” insert “of paragraph 16”.

(b) after sub-paragraph (3)(b) insert—

“(c) where appropriate the fee set out in paragraph 8B.”;

(c) after sub-paragraph (3) insert—

“(4) In a case where the representation of one defendant would attract a fixed fee under Part 2A and the representation of one or more of the other defendants would attract a graduated fee under Part 2, the total fee in the table following this paragraph means the fee falling within sub-paragraph (3)(b).”.

28. Omit paragraph 25 of Schedule 2 and the tables following that paragraph.

29.—(1) This article applies where a representation order is granted on or after 3rd October 2011 but before 1st April 2012.

(2) In Schedule 1—

(a) in the table following paragraph 5, Table A following paragraph 7 and the table following paragraph 25—

(i) for the figures listed for payment in relation to class of offence A, substitute the figures listed for payment in relation to class of offence J; and

(ii) for the figures listed for payment in relation to class of offence G, substitute the figures listed for payment in relation to class of offence F;

(b) for Table B following paragraph 7, and the heading to that table, substitute the table and heading set out in Schedule 2 to this Order.

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

(2) In paragraph 7B of Schedule 1, for “£203” substitute “£194”.

(3) In Schedule 1—

(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.

31. After Schedule 4, insert Schedules 5 and 6 set out in Schedule 4 to this Order.

Revocation

32. Article 8 of the Criminal Defence Service (Funding)(Amendment No.2) Order 2010 is revoked and the amendments made by that article to Schedule 1 do not have effect.

Signed by authority of the Lord Chancellor

McNally
Minister of State
Ministry of Justice

18th August 2011

SCHEDULE 1

Article 20

PART 1

<i>“Class of Offence</i>						
Type of case	A	B	C	D	E	F
Cracked trial	991.32	775.15	575.16	941.75	255.38	245.73
Guilty plea	745.63	609.44	485.38	708.34	202.41	214.59
<i>Class of Offence</i>						
Type of case	G	H	I	J	K	
Cracked trial	254.73	259.73	277.99	991.32	848.07	
Guilty plea	214.59	209.28	191.34	745.63	702.29”	

PART 2

“Table of final fees in cracked trials

<i>Class of Offence</i>	<i>PPE Range</i>	<i>Initial fee (£)</i>	<i>Incremental fee per page of prosecution evidence</i>
A	0-79	991.32	0
A	80-249	991.32	11.7216
A	250-999	2,983.99	7.3571
A	1000-2799	8,501.81	4.3001
A	2800-4599	16,241.92	4.3001
A	4600-6399	23,982.04	3.4135
A	6400-8199	30,126.41	3.4135
A	8200-9999	36,270.78	3.4135
A	10,000	42,411.74	0.0000
B	0-69	777.15	0
B	70-249	777.15	8.5755
B	250-999	2,320.73	4.0137

B	1000-2799	5,331.02	2.6733
B	2800-4599	10,143.02	2.6733
B	4600-6399	14,955.02	2.2478
B	6400-8199	19,001.08	2.2478
B	8200-9998	23,047.12	2.2478
B	10,000	27,090.92	0.0000
C	0-39	575.17	0
C	40-249	575.17	4.2997
C	250-999	1,478.10	2.4611
C	1000-2799	3,323.90	1.5674
C	2800-4599	6,145.18	1.5674
C	4600-6399	8,966.46	1.5674
C	6400-8199	11,787.74	1.5674
C	8200-9999	14,609.03	1.5674
C	10,000	17,428.74	0.0000
D	0-79	941.75	0
D	80-249	941.75	11.1082
D	250-999	2,830.14	6.6941
D	1000-2799	7,850.70	3.9525
D	2800-4599	14,965.19	3.9525
D	4600-6399	22,079.68	3.2433
D	6400-8199	27,917.58	3.2433
D	8200-9999	33,755.47	3.2433
D	10,000	39,590.12	0.0000
E	0-39	255.38	0
E	40-249	255.38	5.0432
E	250-999	1,314.44	1.5958
E	1000-2799	2,511.28	0.6689
E	2800-4599	3,715.35	0.6689
E	4600-6399	4,919.42	0.6689
E	6400-8199	6,123.50	0.6689
E	8200-9999	7,327.57	0.6689
E	10,000	8,530.97	0.0000
F	0-49	245.72	0
F	50-249	245.72	4.8400
F	250-999	1,213.73	1.9622
F	1000-2799	2,685.36	0.7636
F	2800-4599	4,059.91	0.7636
F	4600-6399	5,434.46	0.7636
F	6400-8199	6,809.00	0.7636
F	8200-9999	8,183.55	0.7636
F	10,000	9,557.33	0.0000
G	0-49	245.72	0
G	50-249	245.72	4.8400
G	250-999	1,213.73	1.9622
G	1000-2799	2,685.36	0.7636
G	2800-4599	4,059.91	0.7636
G	4600-6399	5,434.46	0.7636
G	6400-8199	6,809.00	0.7636
G	8200-9999	8,183.55	0.7636
G	10,000	9,557.33	0.0000
H	0-39	259.73	0
H	40-249	259.73	4.6685

H	250-999	1,240.12	1.7046
H	1000-2799	2,518.58	0.7626
H	2800-4599	3,891.28	0.7626
H	4600-6399	5,263.97	0.7626
H	6400-8199	6,636.67	0.7626
H	8200-9999	8,009.37	0.7626
H	10,000	9,381.30	0.0000
I	0-39	278.00	0
I	40-249	278.00	6.4873
I	250-999	1,640.33	2.5353
I	1000-2799	3,541.82	0.9835
I	2800-4599	5,312.17	0.9835
I	4600-6399	7,082.51	0.9835
I	6400-8199	8,852.85	0.9835
I	8200-9999	10,623.20	0.9835
I	10,000	12,392.55	0.0000
J	0-79	991.32	0
J	80-249	991.32	11.7216
J	250-999	2,983.99	7.3571
J	1000-2799	8,501.81	4.3001
J	2800-4599	16,241.92	4.3001
J	4600-6399	23,982.04	3.4135
J	6400-8199	30,126.41	3.4135
J	8200-9999	36,270.78	3.4135
J	10,000	42,411.74	0.0000
K	0-119	848.07	0
K	120-249	848.07	7.1738
K	250-999	1,780.66	5.5001
K	1000-2799	5,905.73	4.8159
K	2800-4599	14,574.29	4.8159
K	4600-6399	23,242.87	4.1067
K	6400-8199	30,634.84	4.1067
K	8200-9999	38,026.81	4.1066
K	10,000	45,414.67	0.0000

Table of final fees in guilty pleas

<i>Class of Offence</i>	<i>PPE Range</i>	<i>Initial Fee (£)</i>	<i>Incremental fee per page of prosecution evidence</i>
A	0-79	745.63	0
A	80-399	745.63	6.1572
A	400-999	2,715.93	3.2471
A	1000-2799	4,664.21	2.0766
A	2800-4599	8,402.07	2.0766
A	4600-6399	12,139.92	1.2255
A	6400-8199	14,345.86	1.2255
A	8200-9999	16,551.81	1.2255
A	10,000	18,756.53	0.0000
B	0-69	609.44	0
B	70-399	609.44	4.9497
B	400-999	2,242.84	2.4934
B	1000-2799	3,738.90	1.5916
B	2800-4599	6,603.75	1.5916

B	4600-6399	9,468.61	1.1661
B	6400-8199	11,567.51	1.1661
B	8200-9999	13,666.41	1.1661
B	10,000	15,764.14	0.0000
C	0-39	485.38	0
C	40-399	485.38	2.9193
C	400-999	1,536.31	1.5971
C	1000-2799	2,494.54	0.8668
C	2800-4599	4,054.72	0.8668
C	4600-6399	5,614.91	0.8668
C	6400-8199	7,175.10	0.8668
C	8200-9999	8,735.29	0.8668
C	10,000	10,294.60	0.0000
D	0-79	708.34	0
D	80-399	708.34	5.7339
D	400-999	2,543.19	3.0095
D	1000-2799	4,348.90	1.8739
D	2800-4599	7,721.86	1.8739
D	4600-6399	11,094.83	1.1647
D	6400-8199	13,191.21	1.1646
D	8200-9999	15,287.57	1.1647
D	10,000	17,382.78	0.0000
E	0-39	202.41	0
E	40-399	202.41	3.2041
E	400-999	1,355.88	1.3732
E	1000-2799	2,179.80	0.5057
E	2800-4599	3,090.08	0.5057
E	4600-6399	4,000.36	0.5057
E	6400-8199	4,910.64	0.5057
E	8200-9999	5,820.92	0.5057
E	10,000	6,730.69	0.0000
F	0-49	214.59	0
F	50-399	214.59	3.1058
F	400-999	1,301.62	1.0840
F	1000-2799	1,952.01	0.3488
F	2800-4599	2,579.80	0.3488
F	4600-6399	3,207.59	0.3488
F	6400-8199	3,835.38	0.3488
F	8200-9999	4,463.17	0.3488
F	10,000	5,090.61	0.0000
G	0-49	214.59	0
G	50-399	214.59	3.1058
G	400-999	1,301.62	1.0840
G	1000-2799	1,952.01	0.3488
G	2800-4599	2,579.80	0.3488
G	4600-6399	3,207.59	0.3488
G	6400-8199	3,835.38	0.3488
G	8200-9999	4,463.17	0.3488
G	10,000	5,090.61	0.0000
H	0-39	209.28	0
H	40-399	209.28	3.0613
H	400-999	1,311.33	1.0852
H	1000-2799	1,962.46	0.3465

H	2800-4599	2,586.14	0.3465
H	4600-6399	3,209.84	0.3465
H	6400-8199	3,833.53	0.3465
H	8200-9999	4,457.23	0.3465
H	10,000	5,080.55	0.0000
I	0-39	191.34	0
I	40-399	191.34	3.4214
I	400-999	1,423.04	1.4936
I	1000-2799	2,319.22	0.5581
I	2800-4599	3,323.86	0.5581
I	4600-6399	4,328.49	0.5581
I	6400-8199	5,333.13	0.5581
I	8200-9999	6,337.78	0.5581
I	10,000	7,341.86	0.0000
J	0-79	745.63	0
J	80-399	745.63	6.1572
J	400-999	2,715.93	3.2471
J	1000-2799	4,664.21	2.0766
J	2800-4599	8,402.07	2.0766
J	4600-6399	12,139.92	1.2255
J	6400-8199	14,345.86	1.2255
J	8200-9999	16,551.81	1.2255
J	10,000	18,756.53	0.0000
K	0-119	702.29	0
K	120-399	702.29	5.7624
K	400-999	2,315.76	3.2075
K	1000-2799	4,240.26	2.9871
K	2800-4599	9,617.04	2.9871
K	4600-6399	14,993.82	2.2779
K	6400-8199	19,094.01	2.2779
K	8200-9999	23,194.20	2.2779
K	10,000	27,292.10	0.0000"

SCHEDULE 2

Article 29

“Fees and uplifts in trials which crack in the second or final third

<i>Class of Offence</i>	<i>Basic Fee</i>	<i>Evidence uplift per page of prosecution evidence (pages 1 to 250)</i>	<i>Evidence uplift per page of prosecution evidence (pages 251-1000)</i>	<i>Evidence uplift per page of prosecution evidence (pages 1,001 to 10,000)</i>
QC				
A	2,445	5.34	1.34	1.76
B	1,833	3.37	0.85	1.12
C	1,599	2.39	0.60	0.78
D	1,833	5.34	1.34	1.76
E	1,296	1.71	0.43	0.57
F	1,296	2.24	0.57	0.75

G	1,296	2.24	0.57	0.75
H	1,620	3.08	0.77	1.01
I	1,680	3.02	0.75	1.00
J	2,445	5.34	1.34	1.76
K	2,445	2.98	0.75	0.99
Leading Junior				
A	1,833	4.01	1.01	1.33
B	1,375	2.53	0.63	0.85
C	1,200	1.79	0.45	0.59
D	1,375	4.01	1.01	1.33
E	972	1.28	0.32	0.43
F	972	1.68	0.43	0.56
G	972	1.68	0.43	0.56
H	1,215	2.31	0.58	0.77
I	1,260	2.26	0.56	0.75
J	1,833	4.01	1.01	1.33
K	1,833	2.23	0.56	0.75
Led Junior				
A	1223	2.67	0.68	0.88
B	917	1.68	0.42	0.56
C	800	1.20	0.30	0.40
D	917	2.67	0.68	0.88
E	648	0.85	0.22	0.28
F	648	1.12	0.28	0.37
G	648	1.12	0.28	0.37
H	810	1.54	0.39	0.51
I	840	1.50	0.37	0.50
J	1223	2.67	0.68	0.88
K	1223	1.49	0.37	0.50
Junior Alone				
A	1375	4.75	2.21	0.73
B	955	3.27	1.52	0.50
C	611	2.42	1.12	0.37
D	851	4.75	2.21	0.73
E	535	1.42	0.67	0.22
F	535	2.19	1.01	0.34
G	535	2.19	1.01	0.34
H	650	2.20	1.02	0.34
I	764	1.71	0.79	0.26
J	1375	4.75	2.21	0.73
K	1299	4.11	1.92	0.63"

SCHEDULE 3

Article 30

PART 1

“Table of Fees and Uplifts

<i>Class of Offence</i>	<i>Basic Fee (B)</i>	<i>Daily attendance fee (D)</i>	<i>Evidence (E)</i>	<i>Uplift</i>	<i>Witness (W)</i>	<i>Uplift</i>
	(£)	(£)	(£)		(£)	

QC				
A	2,856	979	1.63	6.53
B	2,529	857	1.63	6.53
C	1,968	816	1.63	6.53
D	2,284	816	1.63	6.53
E	1,514	612	1.63	6.53
F	1,514	612	1.63	6.53
G	1,514	612	1.63	6.53
H	1,903	816	1.63	6.53
I	2,122	816	1.63	6.53
J	2,856	979	1.63	6.53
K	2,856	979	1.63	6.53
Leading Junior				
A	2,142	734	1.23	4.9
B	1,897	643	1.23	4.9
C	1,476	612	1.23	4.9
D	1,714	612	1.23	4.9
E	1,136	459	1.23	4.9
F	1,136	459	1.23	4.9
G	1,136	459	1.23	4.9
H	1,427	612	1.23	4.9
I	1,592	612	1.23	4.9
J	2,142	734	1.23	4.9
K	2,142	734	1.23	4.9
Led Junior				
A	1,632	490	0.81	3.26
B	1,265	428	0.81	3.26
C	898	408	0.81	3.26
D	1,125	408	0.81	3.26
E	694	306	0.81	3.26
F	694	306	0.81	3.26
G	694	306	0.81	3.26
H	816	408	0.81	3.26
I	979	408	0.81	3.26
J	1,632	490	0.81	3.26
K	1,428	490	0.81	3.26
Junior alone				
A	1,632	530	0.98	4.9
B	1,305	469	0.98	4.9
C	898	408	0.98	4.9
D	1,125	408	0.98	4.9
E	653	326	0.98	4.9
F	694	326	0.98	4.9
G	694	326	0.98	4.9
H	816	408	0.98	4.9
I	979	408	0.98	4.9
J	1,632	530	0.98	4.9
K	1,632	530	0.98	4.9”

PART 2

“Table A—Fees and uplifts in guilty pleas and trials which crack in the first third

<i>Class of Offence</i>	<i>Basic Fee</i>	<i>Evidence uplift per page of prosecution evidence (pages 1 to 1,000)</i>	<i>Evidence uplift per page of prosecution evidence (1,001 to 10,000)</i>
QC			
A	1,714	2.85	1.43
B	1,305	1.8	0.9
C	1,224	1.28	0.64
D	1,305	2.85	1.43
E	1,081	0.92	0.46
F	1,081	1.2	0.61
G	1,081	1.2	0.61
H	1,224	1.65	0.82
I	1,224	1.61	0.8
J	1,714	2.85	1.43
K	1,714	1.59	0.8
Leading Junior			
A	1,285	2.15	1.07
B	979	1.35	0.67
C	918	0.96	0.48
D	979	2.15	1.07
E	811	0.69	0.35
F	811	0.9	0.46
G	811	0.9	0.46
H	918	1.24	0.61
I	918	1.21	0.6
J	1,285	2.15	1.07
K	1,285	1.19	0.6
Led Junior			
A	857	1.43	0.72
B	653	0.9	0.45
C	612	0.64	0.32
D	653	1.43	0.72
E	541	0.46	0.23
F	541	0.61	0.3
G	541	0.61	0.3
H	612	0.83	0.42
I	612	0.8	0.4
J	857	1.43	0.72
K	857	0.8	0.4
Junior Alone			
A	979	1.19	0.59
B	694	0.81	0.41
C	449	0.6	0.3
D	694	1.19	0.59
E	408	0.35	0.17
F	408	0.54	0.27
G	408	0.54	0.27
H	490	0.54	0.28
I	571	0.42	0.22
J	979	1.19	0.59
K	979	1.02	0.51”

“Table B—Fees and uplifts in trials which crack in the second or final third

<i>Class of Offence</i>	<i>Basic Fee</i>	<i>Evidence uplift per page of prosecution evidence (pages 1 to 250)</i>	<i>Evidence uplift per page of prosecution evidence (pages 251 to 1,000)</i>	<i>Evidence uplift per page of prosecution evidence (pages 1,001 to 10,000)</i>
QC				
A	2,324	5.07	1.27	1.68
B	1,743	3.20	0.80	1.06
C	1,520	2.27	0.57	0.75
D	1,743	5.07	1.27	1.68
E	1,232	1.63	0.41	0.54
F	1,232	2.14	0.54	0.71
G	1,232	2.14	0.54	0.71
H	1,540	2.93	0.73	0.96
I	1,598	2.87	0.71	0.94
J	2,324	5.07	1.27	1.68
K	2,324	2.83	0.71	0.94
Leading Junior				
A	1,744	3.80	0.95	1.26
B	1,307	2.40	0.60	0.80
C	1,140	1.70	0.43	0.56
D	1,307	3.80	0.95	1.26
E	924	1.22	0.31	0.41
F	924	1.60	0.41	0.53
G	924	1.60	0.41	0.53
H	1,155	2.20	0.54	0.72
I	1,198	2.14	0.53	0.71
J	1,744	3.80	0.95	1.26
K	1,744	2.13	0.53	0.71
Led Junior				
A	1162	2.54	0.64	0.84
B	871	1.60	0.40	0.53
C	760	1.14	0.28	0.37
D	871	2.54	0.64	0.84
E	616	0.82	0.20	0.27
F	616	1.07	0.27	0.36
G	616	1.07	0.27	0.36
H	770	1.46	0.37	0.48
I	798	1.43	0.36	0.48
J	1162	2.54	0.64	0.84
K	1162	1.42	0.36	0.47
Junior alone				
A	1307	4.52	2.10	0.69
B	908	3.11	1.45	0.48
C	581	2.31	1.07	0.36
D	808	4.52	2.10	0.69
E	508	1.34	0.63	0.20
F	508	2.08	0.96	0.32
G	508	2.08	0.96	0.32
H	618	2.08	0.97	0.32
I	726	1.63	0.76	0.25
J	1307	4.52	2.10	0.69

K	1234	3.91	1.82	0.60”
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PART 3

“Fees for confiscation hearings

	Fee for QC	Fee for leading junior	Fee for junior alone	Fee for led junior
1 – Daily and half-daily rates				
Half-daily rate	260	195	130	130
Daily rate	497	346	238	238
2 – Pages of evidence				
51-250	649	541	433	324
251-500	973	811	649	486
501-750	1,298	1,081	865	649
751-1000	1,946	1,622	1,298	973
3 - Preparation				
Hourly rates	74	56	39	39”

PART 4

“Fixed Fees

<i>Category of work</i>	<i>Paragraph providing for fee</i>	<i>Fee for QC (£)</i>	<i>Fee for leading junior (£)</i>	<i>Fee for led junior or junior alone (£)</i>
Standard appearance	9(2)	173 per day	130 per day	87 per day
Paper plea and case management hearing	9(3)	26 per case	26 per case	26 per case
Abuse of process hearing	10(1)(a)	260 Half day 497 Full day	195 Half day 346 Full day	130 Half day 238 Full day
Hearings relating to disclosure	10(1)(b) and (c)	260 Half day 497 Full day	195 Half day 346 Full day	130 Half day 238 Full day
Hearings relating to the admissibility of evidence	10(1)(d)	260 Half day 497 Full day	195 Half day 346 Full day	130 Half day 238 Full day
Hearings on withdrawal of guilty plea	10(1)(e)	260 Half day 497 Full day	195 Half day 346 Full day	130 Half day 238 Full day
Deferred sentencing hearing	12(1)(a)	324 per day 497 Full day	238 per day 346 Full day	173 per day 238 Full day
Ineffective trial payment	13	281 per day	195 per day	130 per day
Special	14	74 per hour	56 per hour	39 per hour

preparation				
Wasted	15	74 per hour	56 per hour	39 per hour
preparation				
Conferences and views	16	74 per hour	56 per hour	39 per hour
Appeals to the Crown Court against conviction	17(1)	260 per day	195 per day	130 per day
Appeals to the Crown Court against sentence	17(1)	216 per day	151 per day	108 per day
Proceedings relating to breach of an order of the Crown Court	17(1)	216 per day	151 per day	108 per day
Committal for sentence	17(1)	260 per day	195 per day	130 per day
Adjourned appeals, committals for sentence and breach hearings	17(2)	173 per day	130 per day	87 per day
Bail applications, mentions and other applications in appeals, committals for sentence and breach hearings	17(3)	173 per day	130 per day	87 per day
Second and subsequent days of an application to dismiss	18(6)	260 Half day	195 Half day	130 Half day
Noting brief	19	497 Full day	346 Full day	238 Full day
Cracked trial or Guilty plea (at the election of the defendant)	New	-	-	108 per day
		£194 per case	£194 per case	£194 per case"

PART 5

“Daily rates payable where a trial lasts over 40 days

<i>Class of Offence</i>	<i>Daily rate payable for days 41-50 (£)</i>	<i>Daily rate payable for days 51 and over (£)</i>
QC		
A	387	414
B	387	414
C	387	414
D	387	414
E	387	414
F	387	414
G	387	414

H	387	414
I	387	414
J	387	414
K	387	414
Leading Junior		
A	331	356
B	331	356
C	331	356
D	331	356
E	331	356
F	331	356
G	331	356
H	331	356
I	331	356
J	331	356
K	331	356
Led Junior		
A	221	237
B	221	237
C	221	237
D	221	237
E	221	237
F	221	237
G	221	237
H	221	237
I	221	237
J	221	237
K	221	237
Junior Acting Alone		
A	266	285
B	247	265
C	247	265
D	266	285
E	225	241
F	225	241
G	266	285
H	247	265
I	247	265
J	266	285
K	266	285”

SCHEDULE 4

Article 31

“SCHEDULE 5

Article 4A

Magistrates’ Courts Rates

Interpretation of this Schedule

1.—(1) Words and expressions used in this Schedule have the same meaning as in the 2010 Standard Crime Contract. The fees and rates in this Schedule are exclusive of value added tax.

(2) “2010 Standard Crime Contract” means the contract so named between the Commission and a provider for the provision of funded services, including the contract for signature, the standard terms, the schedule and the specification(a).

Higher and Lower Standard Fees table

<i>Column header</i>	<i>Lower Standard Fee</i>	<i>Lower Standard Fee Limit</i>	<i>Higher Standard Fee</i>	<i>Higher Standard Fee Limit</i>
Designated Area Standard Fees				
Category 1 (either way)	272.56	298.45	517.05	517.10
Category 1 (summary only)	221.59	298.45	477.41	517.10
Category 2	378.46	512.70	792.71	854.40
Category 3	357.87	452.20	734.56	789.50
Undesignated Area Standard Fees				
Category 1 (either way)	213.35	298.45	451.84	517.10
Category 1 (summary only)	173.45	298.45	417.20	517.10
Category 2	306.25	512.70	702.40	854.40
Category 3	276.50	452.20	626.50	789.50

Representation in the magistrates’ court

Hourly Rates (for recording time and to determine whether the Lower or Higher Standard Fee Limit has been reached, and for claiming costs in cases which fall outside the Standard Fee payment scheme).

	<i>All Areas</i>
Routine letters written and telephone calls per item	£3.90
Preparation hourly rate	£49.70
Advocacy hourly rate (including applications for bail and other applications to the court)	£62.35
Attendance at court where Counsel is assigned (including conferences with counsel at court) hourly rate	£34.00
Travelling and waiting hourly rate (Only claimable where the Undesignated Area fees apply)	£26.30

(a) Published by the Commission on 15th February 2010 and available on its website at www.legalservices.gov.uk.

SCHEDULE 6

Article 15A

Experts' Fees and Rates

<i>Expert</i>	<i>Non-London Hourly Rate or fixed fee</i>	<i>London Hourly Rate or fixed fee</i>	<i>Comments</i>
A&E consultant	£126	£135	
Accident reconstruction	£90	£68	
Accountant	£50 - £144	£50 - £144	Partner £144, Manager £108, Accountant £80, General staff £50.
Anaesthetist	£135	£90	
Architect	£99	£90	
Back calculations	£180 fixed fee	£189 fixed fee	
Benefit expert	£90	£90	
Cardiologist	£144	£90	
Cell telephone site analysis	£90	£90	
Child psychiatrist	£135	£90	
Child psychologist	£126	£90	
Computer expert	£90	£90	
Consultant engineer	£90	£68	
Dentist	£117	£90	
Dermatologist	£108	£90	
Disability consultant	£68	£68	
DNA (per person) – testing of sample	£315 per test	£315 per test	
DNA (per person) – preparation of report	£90	£90	
Doctor (GP)	£99	£90	
Drug expert	£90	£90	
Employment consultant	£68	£68	
Enquiry agent	£32	£23	
ENT surgeon	£126	£90	
Facial mapping	£135	£90	
Fingerprint expert	£90	£47	
Fire investigation	£90	£68	
Firearm expert	£90	£90	
Forensic scientist	£113	£90	
General surgeon	£135	£90	
Geneticist	£108	£90	
GP (records report)	£63 fixed fee	£90 fixed fee	
Gynaecologist	£135	£90	
Haematologist	£122	£90	
Handwriting expert	£90	£90	
Interpreter	£32	£25	
Lip reader / Signer	£72	£41	
Mediator	£126	£126	
Medical Consultant	£135	£90	
Medical microbiologist	£135	£90	

Medical Report	£99	£90
Meteorologist	£126	£180 fixed fee
Midwife	£90	£90
Neonatologist	£135	£90
Neurologist	£153	£90
Neuropsychiatrist	£158	£90
Neuroradiologist	£171	£90
Neurosurgeon	£171	£90
Nursing expert	£81	£81
Obstetrician	£135	£90
Occupational Therapist	£68	£68
Oncologist	£140	£90
Orthopaedic surgeon	£144	£90
Paediatrician	£135	£90
Pathologist	£153	£540 fixed fee
Pharmacologist	£122	£90
Photographer	£32	£23
Physiotherapist	£81	£81
Plastic surgeon	£135	£90
Process server	£32	£23
Psychiatrist	£135	£90
Psychologist	£117	£90
Radiologist	£135	£90
Rheumatologist	£135	£90
Risk assessment expert	£63	£63
Speech therapist	£99	£90
Surgeon	£135	£90
Surveyor	£50	£50
Telecoms expert	£90	£90
Toxicologist	£135	£90
Urologist	£135	£90
Vet	£90	£90
Voice recognition	£117	£90"

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Criminal Defence Service (Funding) Order 2007. It removes references to the Very High Cost Case Contract and the Very High Cost Case (Crime) Panel which no longer exist. It makes further reductions in the fees paid for Crown Court cases.

Fixed fees for the provision of funded services in magistrates' courts are brought within the ambit of the 2007 Order for the first time by the new article 4A and a new Schedule 5 inserted in the 2007 Order.

New article 15A and a new Schedule 6 provide, again for the first time in the 2007 Order, fixed fees and hourly rates to be paid for the type of expert services listed in that schedule.

The Order removes a sentencing hearing from the list of hearings for which a separate fixed fee is payable and includes it as a standard appearance. The Order introduces fixed fees payable for a cracked trial or guilty plea where a case is committed to the Crown Court for trial at the election of the defendant. Consequential amendments are made in the provisions dealing with transfer of cases. In respect of a cracked trial or guilty plea in other cases, the graduated fees are reduced by 25%.

The Order removes the separate fee payable for committal hearings which will no longer be payable.

The fees payable for murder and manslaughter cases are aligned with those payable for rape and other serious sexual offences and all offences of dishonesty, where the value involved is less than £100,000, will in future be remunerated at the same rate.