
STATUTORY INSTRUMENTS

2007 No. 1174

The Criminal Defence Service (Funding) Order 2007

Interim payments in cases awaiting determination of fees

17.—(1) The appropriate officer must make an interim payment in respect of a claim for fees in proceedings in the Crown Court in accordance with this article.

(2) Entitlement to a payment arises in respect of a claim for fees—

- (a) in the case of an instructed advocate, where the graduated fee claimed in accordance with Schedule 1 is £4,000 or more (exclusive of VAT);
- (b) in the case of a litigator, where the total fees claimed in accordance with Schedule 2 are £4,000 or more (exclusive of VAT); and
- (c) in the case of a litigator or an instructed advocate, where the claim for fees is for less than the amounts mentioned in (a) or (b) but is related to any claim for fees falling under (a) or (b).

(3) For the purposes of this article, the following claims for fees are related to each other —

- (a) the claims of representatives acting in the same proceedings for a defendant; and
- (b) the claims of any representative acting for any assisted person in related proceedings.

(4) Entitlement to a payment under paragraph (1) does not arise until three months have elapsed from the earlier of—

- (a) the date on which the claim for fees is received by the appropriate officer for determination, except that where there are related claims for fees, the date on which the last claim is received by the appropriate officer; or
- (b) three months after the conclusion of the last of any related proceedings.

(5) A litigator or an instructed advocate may submit a claim for an interim payment under this article where—

- (a) no payment has been made under paragraph (1); and
- (b) six months have elapsed from the conclusion of the proceedings against the assisted person.

(6) Subject to article 32, payment must not be made under this article unless the representative has submitted a claim for fees in accordance with article 5(3) or article 6(3), as appropriate.