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STATUTORY INSTRUMENTS

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**2008 No. 2930**

**LEGAL SERVICES COMMISSION,  
ENGLAND AND WALES**

**The Criminal Defence Service (Funding)  
(Amendment No. 2) Order 2008**

*Made* - - - - *11th November 2008*  
*Laid before Parliament* *12th November 2008*  
*Coming into force* - - *13th November 2008*

The Lord Chancellor makes this Order in exercise of the powers conferred by section 14(3) of the Access to Justice Act 1999<sup>(1)</sup>.

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

**Citation, commencement and application**

1.—(1) This Order may be cited as the Criminal Defence Service (Funding) (Amendment No. 2) Order 2008 and comes into force on 13th November 2008.

(2) This Order applies where work is undertaken on or after 13th November 2008 by an advocate to whom paragraph 25 of Schedule 2 to the Criminal Defence Service (Funding) Order 2007<sup>(2)</sup> applies.

**Amendments to the Criminal Defence Service (Funding) Order 2007**

2. The Criminal Defence Service (Funding) Order 2007 is amended as follows.

3. For paragraph 25(3) of Schedule 2 substitute—

“(3) Where such a claim is made, the Commission—

(a) must pay the litigator at rates no higher than the rates set out in the tables following this paragraph; and

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(1) 1999 c.22. The powers were conferred on the Lord Chancellor by that Act, transferred to the Secretary of State for Constitutional Affairs by the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887) and transferred back to the Lord Chancellor by the Transfer of Functions (Lord Chancellor and Secretary of State) Order 2005 (S.I. 2005/3429).  
(2) S.I. 2007/1174, amended by S.I. 2007/3552 and 2008/957.

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- (b) where it considers that there are exceptional circumstances, may pay the litigator such fees as it considers reasonable and has agreed in advance with the litigator in respect of—
- (i) travelling (in excess of four hours in one day);
  - (ii) accommodation; and
  - (iii) subsistence, up to a maximum of £20 per day.”.

4. For the first two tables following paragraph 25 of Schedule 2 substitute—

<i>“Preparation (hourly rates)</i>	<i>Category 1</i>	<i>Category 2</i>	<i>Category 3</i>	<i>Category 4</i>
	£	£	£	£
<b>Counsel</b>				
QC	152.50	119.00	95.50	95.50
Leading junior	133.00	104.50	83.50	83.50
Led junior	95.50	76.00	65.00	65.00
Junior alone	104.50	85.50	74.00	74.00
2nd led junior	67.00	53.00	46.00	46.00
<b>Solicitor- advocate</b>				
Leading level A	152.50	119.00	95.50	95.50
Led level A	133.00	104.50	83.50	83.50
Leading level B	133.00	104.50	83.50	83.50
Led level B	110.00	90.50	69.00	69.00
Level A alone	138.00	115.00	93.50	93.50
Level B alone	116.00	99.50	78.50	78.50
Second advocate	67.00	53.00	46.00	46.00

  

<i>Advocacy</i>	<i>Preliminary hearing</i>	<i>Half day</i>	<i>Full day</i>
	£	£	£
QC	119.00	250.00	500.00
Leading junior	90.50	205.25	410.50
Led junior	61.00	132.75	265.50
Junior alone	70.00	150.00	300.00
Second led junior	35.50	67.50	135.00
Noter	30.50	57.50	115.00”

Signed by authority of the Lord Chancellor

11th November 2008

*Bach*  
Parliamentary Under Secretary of State  
Ministry of Justice

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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. It increases the maximum payments which the Legal Services Commission may make in very high cost criminal cases in which an advocate is instructed who is not a member of a panel for such cases.

A regulatory impact assessment has been prepared for this instrument and is available from Criminal Legal Aid Strategy Division, Ministry of Justice, 102 Petty France, London SW1H 9AJ.