

STATUTORY INSTRUMENTS

2013 No. 2804

The Criminal Defence Service (Very High Cost Cases) (Funding) Order 2013

Citation and commencement

1. This Order may be cited as the Criminal Defence Service (Very High Cost Cases) (Funding) Order 2013 and comes into force on 2nd December 2013.

Application

2. This Order applies in relation to fees for work undertaken on or after 2nd December 2013.

Amendment to paragraph 25 of Schedule 2 to the Criminal Defence Service (Funding) Order 2007

3.—(1) The Criminal Defence Service (Funding) Order 2007(1) is amended as follows.

(2) 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>
	£	£	£	£
Counsel				
QC	106.75	83.30	66.85	66.85
Leading junior	93.10	73.15	58.45	58.45
Led junior	66.85	53.20	45.50	45.50
Junior alone	73.15	59.85	51.80	51.80
2nd led junior	46.90	37.10	32.20	32.20
Solicitor-advocate				
Leading level A	106.75	83.30	66.85	66.85
Led level A	93.10	73.15	58.45	58.45
Leading level B	93.10	73.15	58.45	58.45
Led level B	77.00	63.35	48.30	48.30
Level A alone	96.60	80.50	65.45	65.45
Level B alone	81.20	69.65	54.95	54.95

(1) [S.I. 2007/1174](#). Paragraph 25 was inserted in Schedule 2 by article 3 of [S.I. 2008/957](#) and amended by articles 3 and 4 of [S.I. 2008/2930](#). It was omitted by articles 1(4) and 28 of [S.I. 2011/2065](#) in relation to proceedings in which a representation order is granted on or after 3rd October 2011.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>“Preparation (hourly rates)</i>	<i>Category 1</i>	<i>Category 2</i>	<i>Category 3</i>	<i>Category 4</i>
	<i>£</i>	<i>£</i>	<i>£</i>	<i>£</i>
Second advocate	46.90	37.10	32.20	32.20

<i>Advocacy</i>	<i>Preliminary hearing</i>	<i>Half day</i>	<i>Full day</i>
	<i>£</i>	<i>£</i>	<i>£</i>
QC	83.30	175.00	350.00
Leading junior	63.35	143.68	287.00
Led junior	42.70	92.93	185.85
Junior alone	49.00	105.00	210.00
2nd led junior	24.85	47.25	94.50
Noting junior	21.35	40.25	80.50.”.

(3) Subject to paragraph (4), the amendments made by this article apply to work done pursuant to any Task List agreed between the litigator and the Lord Chancellor on or after 2nd December 2013.

(4) The amendments made by this article do not apply to work done in a case in which—

- (a) the court has set a trial date before 2nd December 2013; and
- (b) that trial date is on or before 31st March 2014.

(5) For the purpose of paragraph (4), any adjournment or postponement of a trial which takes place after the trial date is set must be disregarded.

(6) In this article, “Task List” has the meaning given in the contract made between the Commission⁽²⁾ and members of the Very High Cost Case (Crime) Panel and dated 14th January 2008, as amended on 13th November 2008, 15th December 2008 and 5th May 2009⁽³⁾.

Proceedings which are the subject of the contracts for members of the Very High Cost Case (Crime) Panel

4.—(1) Fees in a relevant case must be paid—

- (a) in accordance with the terms of a contract referred to in paragraph (2); and
- (b) at the rates set out for the appropriate category and level of representative set out in Schedule 1 to this Order.

(2) In this article, a relevant case means a case which is the subject of a contract made between the Commission and members of the Very High Cost Case (Crime) Panel and dated 14th January 2008, as amended on 13th November 2008, 15th December 2008 and 5th May 2009.

(3) In this article and Schedule 1, the “Very High Cost Case (Crime) Panel” means the panel set up by the Commission from which representatives were chosen to provide representation in Very High Cost Cases.

(2) The property, rights, powers, duties and liabilities of the Commission were transferred to the Lord Chancellor by paragraph 7 of Schedule 4 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

(3) Copies of the Very High Cost Case (Crime) Panel contracts for panel members and panel advocates can be inspected at the Legal Aid Agency (Head Office) at 102 Petty France, London SW1H 9AJ.

Proceedings which are the subject of a 2010 VHCC contract

- 5.—(1) Fees in a relevant case must be paid—
- (a) in accordance with the terms of the 2010 VHCC contract; and
 - (b) at the rates set out for the appropriate category and level of representative set out in Schedule 2 to this Order.
- (2) In this article, a relevant case means a case which is the subject of a 2010 VHCC contract;
- (3) In this article and Schedule 2, “2010 VHCC contract” means the contract so named between the Commission and a provider of services consisting of representation in criminal proceedings⁽⁴⁾.

Signed by authority of the Lord Chancellor

31st October 2013

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

⁽⁴⁾ Copies of the 2010 VHCC contracts for organisations and self-employed advocates can be inspected at the Legal Aid Agency (Head Office) at 102 Petty France, London SW1H 9AJ.