

2013 No. 2804

LEGAL AID AND ADVICE, ENGLAND AND WALES

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

<i>Made</i> - - - -	<i>31st October 2013</i>
<i>Laid before Parliament</i>	<i>1st November 2013</i>
<i>Coming into force</i> - -	<i>2nd December 2013</i>

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

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(b) 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

(a) 1999 c.22. The powers were repealed by section 39 of, and paragraph 51 of Schedule 5 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), subject to the savings in regulation 6(3)(b) of S.I. 2013/534.

(b) 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.

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
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>
	£	£	£
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^(a) 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^(b).

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.

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

(a) 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.

(b) 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.

- (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^(a).

Signed by authority of the Lord Chancellor

31st October 2013

Shailesh Vara
Parliamentary Under Secretary of State
Ministry of Justice

SCHEDULE 1

Article 4

PART 1

Interpretation and Application

Interpretation

1.—(1) In this Schedule—

- (a) “contract” means the 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;
- (b) a reference to a level is a reference to a level as described in the contract;
- (c) a reference to a category is a reference to that category as described in the contract;
- (d) the standard rates apply to work as described in the contract;
- (e) the full day rate applies where the advocate is in court for more than 3.5 hours;
- (f) the half day rate applies where the advocate is in court—
- (i) at trial for 3.5 hours or less; or
 - (ii) for any hearing lasting for more than 2 hours, other than a trial, to which the full day rate does not apply; and
- (g) the preliminary hearing rate applies where a hearing, other than a trial, lasts two hours or less.

(2) In Table 2, a reference to a junior includes a solicitor-advocate.

Application

2.—(1) Part 2 of this Schedule applies to work done pursuant to any Task List agreed between a member of the Very High Cost Case (Crime) Panel and the Lord Chancellor before 2nd December 2013.

(2) Subject to sub-paragraph (3), Part 3 of this Schedule applies to work done pursuant to any Task List agreed between a member of the Very High Cost Case (Crime) Panel and the Lord Chancellor on or after 2nd December 2013.

(3) Part 2 of the Schedule applies to work done in a case in which—

(a) 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.

(a) the court has set a trial date before 2nd December 2013; and

(b) that trial date is on or before 31st March 2014.

(4) For the purpose of sub-paragraph (3), any adjournment or postponement of a trial which takes place after the trial date is set must be disregarded.

(5) In this paragraph, "Task List" has the meaning given in the contract.

PART 2

Table 1

Preparation (hourly rates)

	<i>Category 1</i>	<i>Category 2</i>	<i>Category 3</i>	<i>Category 4</i>	<i>Standard rates</i>
	£	£	£	£	£
Solicitor					
Level A	152.50	119.00	95.50	95.50	55.75
Level B	133.00	104.50	83.50	83.50	47.25
Level C	88.50	69.00	54.00	54.00	34.00
Pupil/junior	48.00	38.50	31.50	31.50	
Counsel					
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	
Solicitor Advocate					
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	

Table 2 Advocacy

	<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
2nd led junior	35.50	67.50	135.00
Noting junior	30.50	57.50	115.00

Table 3 Attendance at court with Counsel (hourly rates for solicitors)

	£
Level A	42.25

Level B	34.00
Level C	20.50

Table 4 Travelling, waiting and mileage

	£
Travelling	25 per hour (up to a maximum of 4 hours in one day)
Waiting	25 per hour
Mileage	0.45 per mile

PART 3

Table 1

Preparation (hourly rates)

	<i>Category 1</i>	<i>Category 2</i>	<i>Category 3</i>	<i>Category 4</i>	<i>Standard rates</i>
	£	£	£	£	£
Solicitor					
Level A	106.75	83.30	66.85	66.85	39.03
Level B	93.10	73.15	58.45	58.45	33.08
Level C	61.95	48.30	37.80	37.80	23.80
Pupil/junior	33.60	26.95	22.05	22.05	
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	
Second advocate	46.90	37.10	32.20	32.20	

Table 2

Advocacy

	<i>Preliminary hearing</i>	<i>Half day</i>	<i>Full day</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
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Table 3

Attendance at court with Counsel (hourly rates for solicitors)

	£
Level A	29.58
Level B	23.80
Level C	14.35

Table 4

Travelling, waiting and mileage

	£
Travelling	25 per hour (up to a maximum of 4 hours in one day)
Waiting	25 per hour
Mileage	0.45 per mile

SCHEDULE 2

Article 5

PART 1

Interpretation and Application

Interpretation

- 1.—(1) In this Schedule—
- (a) a reference to a level is a reference to that level as defined in the 2010 VHCC contract;
 - (b) a reference to a category is a reference to that category as defined in that contract;
 - (c) the standard rates apply to work as described in the 2010 VHCC Contract Guidance(a); and
 - (d) the preliminary hearing, half day and full day rates apply as described in that guidance.
- (2) In Table 2, a reference to a junior includes a solicitor-advocate.

Application

- 2.—(1) Part 2 of this Schedule applies to work done pursuant to any Task List agreed between a provider of services and the Lord Chancellor before 2nd December 2013.
- (2) Subject to sub-paragraph (3), Part 3 of this Schedule applies to work done pursuant to any new Task List agreed between a provider of services and the Lord Chancellor on or after 2nd December 2013.
- (3) Part 2 of the Schedule applies 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.

(a) Copies of the 2010 VHCC Contract Guidance can be inspected at the Legal Aid Agency (Head Office) at 102 Petty France, London, SW1H 9AJ.

(4) For the purpose of sub-paragraph (3), any adjournment or postponement of a trial which takes place after the trial date is set must be disregarded.

(5) In this paragraph, “Task List” has the meaning given in the 2010 VHCC contract.

PART 2

Table 1

Preparation (hourly rates)

	<i>Category 1</i> £	<i>Category 2</i> £	<i>Category 3</i> £	<i>Category 4</i> £	<i>Standard rates</i> £
Litigator					
Level A	145.00	113.00	91.00	91.00	55.75
Level B	127.00	100.00	79.00	79.00	47.25
Level C	84.00	65.00	51.00	51.00	34.00
Pupil/junior	45.00	36.00	30.00	30.00	
Barrister					
QC	145.00	113.00	91.00	91.00	
Leading junior	127.00	100.00	79.00	79.00	
Led junior	91.00	73.00	61.00	61.00	
Junior alone	100.00	82.00	70.00	70.00	
2nd led junior	63.00	50.00	43.00	43.00	
Solicitor Advocate					
Leading level A	145.00	113.00	91.00	91.00	
Led level A	127.00	100.00	79.00	79.00	
Leading level B	127.00	100.00	79.00	79.00	
Led level B	104.00	86.00	66.00	66.00	
Level A alone	131.00	109.00	88.00	88.00	
Level B alone	113.00	95.00	75.00	75.00	
Second advocate	63.00	50.00	43.00	43.00	

Table 2

Advocacy

	<i>Preliminary hearing</i> £	<i>Half day</i> £	<i>Full day</i> £
QC	113.00	238.00	476.00
Leading junior	86.00	195.00	390.00
Led junior	58.00	126.00	252.00
Junior alone	67.00	143.00	285.00
2nd led junior	34.00	64.00	128.00
Noting junior	29.00	55.00	109.00

Table 3**Attendance at court with Counsel (hourly rates for solicitors)**

	£
Level A	42.25
Level B	34.00
Level C	20.50

Table 4**Travelling, waiting and mileage**

	£
Travelling	25 per hour (up to a maximum of 4 hours in one day)
Waiting	25 per hour
Mileage	0.45 per mile

PART 3**Table 1****Preparation (hourly rates)**

	<i>Category 1</i> £	<i>Category 2</i> £	<i>Category 3</i> £	<i>Category 4</i> £	<i>Standard rates</i> £
Litigator					
Level A	101.50	79.10	63.70	63.70	39.03
Level B	88.90	70.00	55.30	55.30	33.08
Level C	58.80	45.50	35.70	35.70	24.50
Pupil/junior	31.50	25.20	21.00	21.00	
Barrister					
QC	101.50	79.10	63.70	63.70	
Leading junior	88.90	70.00	55.30	55.30	
Led junior	63.70	51.10	42.70	42.70	
Junior alone	70.00	57.40	49.00	49.00	
2nd led junior	44.10	35.00	30.10	30.10	
Solicitor Advocate					
Leading level A	101.50	79.10	63.70	63.70	
Led level A	88.90	70.00	55.30	55.30	
Leading level B	88.90	70.00	55.30	55.30	
Led level B	72.80	60.20	46.20	46.20	
Level A alone	91.70	76.30	61.60	61.60	
Level B alone	79.10	66.50	52.50	52.50	
Second advocate	44.10	35.00	30.10	30.10	

Table 2**Advocacy**

	<i>Preliminary hearing</i>	<i>Half day</i>	<i>Full day</i>
	£	£	£
QC	79.10	166.60	333.20
Leading junior	60.20	136.50	273.00
Led junior	40.60	88.20	176.40
Junior alone	46.90	100.10	199.50
2nd led junior	23.80	44.80	89.60
Noting junior	20.30	38.50	76.30

Table 3**Attendance at court with Advocate (hourly rates for litigators)**

	£
Level A	29.58
Level B	23.80
Level C	14.35

Table 4**Travelling, waiting and mileage**

	£
Travelling (hourly rates)	25.00 (up to a maximum of 4 hours in one day)
Waiting (hourly rates)	25.00
Mileage	0.45 per mile

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the remuneration of services provided under Part 1 of the Access to Justice Act 1999 (c.22) as part of the Criminal Defence Service. It applies to Very High Cost Cases which are the subject of a contract made between the Commission and members of the Very High Case Contract (Crime) Panel (“the 2008 panel”) and dated 14th January 2008 (as amended on 13th November 2008, 15th December 2008 and 5th May 2009) (“2008 VHCC contract”) or a 2010 VHCC contract.

This Order applies in relation to fees for work undertaken on or after 2 December 2013. It provides for new, reduced fees payable for work done pursuant to any Task List agreed between a member of the 2008 panel or a provider under a 2010 VHCC contract and the Lord Chancellor on or after 2nd December 2013. The previous fees will continue to apply to work done pursuant to a Task List agreed before 2nd December 2013 and in any case where, before 2nd December 2013, the court has set a date for trial which is on or before 31st March 2014. The amendment made to the Criminal Defence Service (Funding) Order 2007 (S.I. 2007/1174) provides for the rates applicable to advocates who are not members of the 2008 panel.

A full impact assessment of the effect of the policy implemented by this instrument on the costs of business and the voluntary sector was produced with the Government’s response to consultation, *Transforming Legal Aid: Next Steps*, and is available at <https://consult.justice.gov.uk/>.

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