

2010 No. 1181

**LEGAL SERVICES COMMISSION, ENGLAND AND
WALES**

**The Criminal Defence Service (Funding) (Amendment No. 2)
Order 2010**

Made - - - - *5th April 2010*

Laid before Parliament *6th April 2010*

Coming into force in accordance with article 2

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).

He 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 and interpretation

1. This Order may be cited as the Criminal Defence Service (Funding) (Amendment No. 2) Order 2010.

2. This Order comes into force on 27th April 2010, except for article 5 which comes into force on 14th July 2010.

3. 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).

Amendments to the 2007 Order

4. The 2007 Order is amended in accordance with articles 5 to 8 of this Order.

5.—(1) This article applies to proceedings in which a representation order is granted on or after 14th July 2010.

(2) In article 2, for the definition of “Very High Cost Case” substitute—

““Very High Cost Case” means a case in which a representation order has been granted and which the Commission classifies as a Very High Cost Case on the grounds that—

(a) 1999 c. 22: section 25(8A) was inserted by section 153(3) of the Coroners and Justice Act 2009 (c. 25). The reference in section 14(3) 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.

(b) S.I. 2007/1174. Relevant amending instruments are S.I. 2007/3552, 2009/1843, 2009/2086.

- (a) in relation to fees claimed by litigators—
 - (i) if the case were to proceed to trial, the trial would in the opinion of the Commission be likely to last for more than 40 days, and the Commission considers that there are no exceptional circumstances which make it unsuitable to be dealt with under its contractual arrangements for Very High Cost Cases; or
 - (ii) if the case were to proceed to trial, the trial would in the opinion of the Commission be likely to last no fewer than 25 and no more than 40 days and the Commission considers that there are circumstances which make it suitable to be dealt with under its contractual arrangements for Very High Cases;
- (b) in relation to fees claimed by advocates, if the case were to proceed to trial, the trial would in the opinion of the Commission be likely to last for more than 60 days, and the Commission considers that there are no exceptional circumstances which make it unsuitable to be dealt with under its contractual arrangements for Very High Cost Cases.”

(3) In —

- (a) paragraphs 20(7A) and 24A(1), (2)(a) and (3) of Schedule 1, after each reference to “Very High Cost Case” insert “(in relation to fees claimed by advocates)”;
- (b) paragraphs 2(6) and 2(7) of Schedule 2, after each reference to “Very High Cost Case” insert “(in relation to fees claimed by litigators)”;
- (c) paragraph 25(1) of Schedule 2, after the first reference to “Very High Cost Case” insert “(in relation to fees claimed by advocates)”.

6.—(1) This article applies to proceedings in which a representation order is granted on or after 27th April 2010 but before 1st April 2011.

(2) In Schedule 1 to the 2007 Order—

- (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 1 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 1 to this Order;
- (c) for the table following paragraph 11(2)(c), substitute the table in Part 3 of Schedule 1 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 1 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 1 to this Order.

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

(2) In Schedule 1 to the 2007 Order—

- (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 2 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 2 to this Order;
- (c) for the table following paragraph 11(2)(c), substitute the table in Part 3 of Schedule 2 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 2 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 2 to this Order.

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

(2) In Schedule 1 to the 2007 Order—

- (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.

Signed by authority of the Lord Chancellor

Bach
Parliamentary Under Secretary of State
Ministry of Justice

5th April 2010

SCHEDULE 1

Article 6

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	4,234	1,262	1.80		7.21	
B	2,792	946	1.80		7.21	
C	2,173	901	1.80		7.21	
D	2,522	901	1.80		7.21	
E	1,671	676	1.80		7.21	
F	1,671	676	1.80		7.21	
G	2,101	901	1.80		7.21	
H	2,101	901	1.80		7.21	
I	2,343	901	1.80		7.21	
J	3,153	1,081	1.80		7.21	
K	3,153	1,081	1.80		7.21	
Leading Junior						
A	3,175	946	1.36		5.41	
B	2,094	710	1.36		5.41	
C	1,629	676	1.36		5.41	
D	1,892	676	1.36		5.41	
E	1,254	507	1.36		5.41	
F	1,254	507	1.36		5.41	
G	1,576	676	1.36		5.41	
H	1,576	676	1.36		5.41	
I	1,757	676	1.36		5.41	
J	2,365	811	1.36		5.41	

K	2,365	811	1.36	5.41
Led Junior				
A	2,177	630	0.90	3.60
B	1,396	473	0.90	3.60
C	991	451	0.90	3.60
D	1,242	451	0.90	3.60
E	766	338	0.90	3.60
F	766	338	0.90	3.60
G	1,051	451	0.90	3.60
H	901	451	0.90	3.60
I	1,081	451	0.90	3.60
J	1,802	541	0.90	3.60
K	1,577	541	0.90	3.60
Junior alone				
A	2,432	743	1.08	5.41
B	1,441	518	1.08	5.41
C	991	451	1.08	5.41
D	1,242	451	1.08	5.41
E	721	360	1.08	5.41
F	766	360	1.08	5.41
G	1,351	451	1.08	5.41
H	901	451	1.08	5.41
I	1,081	451	1.08	5.41
J	1,802	585	1.08	5.41
K	1,802	585	1.08	5.41”

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	2,252	2.42	1.12
B	1,441	1.99	0.99
C	1,351	1.41	0.71
D	1,441	3.15	1.58
E	1,194	1.01	0.51
F	1,194	1.33	0.67
G	1,351	1.76	0.88
H	1,351	1.82	0.91
I	1,351	1.78	0.88
J	1,892	3.15	1.58
K	1,892	1.76	0.88
Leading Junior			
A	1,689	1.81	0.84
B	1,081	1.49	0.74
C	1,013	1.06	0.53
D	1,081	2.37	1.18

E	895	0.76	0.38
F	895	0.99	0.51
G	1,013	1.32	0.66
H	1,013	1.37	0.68
I	1,013	1.34	0.66
J	1,419	2.37	1.18
K	1,419	1.32	0.66
Led Junior			
A	1,126	1.21	0.56
B	721	0.99	0.50
C	676	0.71	0.35
D	721	1.58	0.79
E	597	0.51	0.26
F	597	0.67	0.33
G	676	0.88	0.44
H	676	0.92	0.46
I	676	0.89	0.44
J	946	1.58	0.79
K	946	0.88	0.44
Junior Alone			
A	1,253	1.03	0.52
B	766	0.90	0.45
C	496	0.66	0.33
D	766	1.31	0.65
E	451	0.39	0.19
F	451	0.60	0.30
G	721	1.13	0.56
H	541	0.60	0.31
I	630	0.47	0.24
J	1,081	1.31	0.65
K	1,081	1.13	0.56”

“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>A case that cracks in the second third Evidence uplift per page of prosecution evidence (pages 1,001 to 10,000)</i>	<i>A case that cracks in the final third Evidence uplift per page of prosecution evidence (pages 1,001 to 10,000)</i>
QC					
A	3,424	4.49	1.12	1.48	4.49
B	2,162	3.97	0.99	1.32	3.97
C	1,886	2.82	0.71	0.93	2.82
D	2,162	6.29	1.58	2.08	6.29
E	1,528	2.02	0.51	0.67	2.02
F	1,528	2.65	0.67	0.88	2.65
G	1,910	3.51	0.88	1.17	3.51
H	1,910	3.63	0.91	1.19	3.63
I	1,982	3.55	0.88	1.17	3.55

J	2,883	6.29	1.58	2.08	6.29
K	2,883	3.51	0.88	1.17	3.51
Leading Junior					
A	2,568	3.37	0.84	1.11	3.37
B	1,622	2.98	0.74	0.99	2.98
C	1,415	2.11	0.53	0.70	2.11
D	1,622	4.72	1.18	1.57	4.72
E	1,146	1.51	0.38	0.51	1.51
F	1,146	1.99	0.51	0.66	1.99
G	1,433	2.64	0.66	0.88	2.64
H	1,433	2.72	0.68	0.90	2.72
I	1,486	2.66	0.66	0.88	2.66
J	2,162	4.72	1.18	1.57	4.72
K	2,162	2.64	0.66	0.88	2.64
Led Junior					
A	1,712	2.24	0.56	0.74	2.24
B	1,081	1.99	0.50	0.66	1.99
C	943	1.41	0.35	0.47	1.41
D	1,081	3.15	0.79	1.04	3.15
E	764	1.01	0.26	0.33	1.01
F	764	1.33	0.33	0.44	1.33
G	955	1.76	0.44	0.58	1.76
H	955	1.81	0.46	0.60	1.81
I	991	1.78	0.44	0.59	1.78
J	1,442	3.15	0.79	1.04	3.15
K	1,442	1.76	0.44	0.58	1.76
Junior alone					
A	1,892	4.42	2.05	0.68	2.05
B	1,126	3.85	1.80	0.59	1.80
C	721	2.86	1.33	0.44	1.33
D	1,003	5.61	2.61	0.86	2.61
E	630	1.67	0.78	0.26	0.78
F	630	2.58	1.19	0.40	1.19
G	1,081	4.85	2.26	0.74	2.26
H	766	2.59	1.20	0.40	1.20
I	901	2.02	0.94	0.31	0.94
J	1,622	5.61	2.61	0.86	2.61
K	1,532	4.85	2.26	0.74	2.26"

PART 3

"Fees for confiscation hearings (£)

	Fee for QC	Fee for leading junior	Fee for junior alone	Fee for led junior
<i>1 – Daily and half-daily rates</i>				
Half-daily rate	300	225	150	150
Daily rate	575	400	275	275
<i>2 – Pages of evidence</i>				
51-250	750	625	500	375
251-500	1,125	938	750	562
501-750	1,500	1,250	1,000	750

751-1000	2,250	1,875	1,500	1,125
<i>3 - Preparation</i>				
Hourly rates	85	65	45	45”

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)	191 per day	143 per day	96 per day
Paper plea and case management hearing	9(3)	29 per case	29 per case	29 per case
Abuse of process hearing	10(1)(a)	287 Half day 549 Full day	215 Half day 382 Full day	143 Half day 263 Full day
Hearings relating to disclosure	10(1)(b) and (c)	287 Half day 549 Full day	215 Half day 382 Full day	143 Half day 263 Full day
Hearings relating to the admissibility of evidence	10(1)(d)	287 Half day 549 Full day	215 Half day 382 Full day	143 Half day 263 Full day
Hearings on withdrawal of guilty plea	10(1)(e)	287 Half day 549 Full day	215 Half day 382 Full day	143 Half day 263 Full day
Deferred sentencing hearing	12(1)(a)	358 per day	263 per day	191 per day
Sentencing hearing	12(1)(b)	287 per day	191 per day	119 per day
Ineffective trial payment	13	310 per day	215 per day	143 per day
Special preparation	14	81 per hour	62 per hour	43 per hour
Wasted preparation	15	81 per hour	62 per hour	43 per hour
Conferences and views	16	81 per hour	62 per hour	43 per hour
Appeals to the Crown Court against conviction	17(1)	287 per day	215 per day	143 per day
Appeals to the Crown Court against sentence	17(1)	239 per day	167 per day	119 per day
Proceedings relating to breach of an order of the Crown Court	17(1)	239 per day	167 per day	119 per day
Committal for sentence	17(1)	287 per day	215 per day	143 per day
Adjourned appeals,	17(2)	191 per day	143 per day	96 per day

committals for sentence and breach hearings				
Bail applications, mentions and other applications in appeals, committals for sentence and breach hearings	17(3)	191 per day	143 per day	96 per day
Second and subsequent days of an application to dismiss	18(6)	287 Half day 549 Full day	215 Half day 382 Full day	143 Half day 263 Full day
Noting brief	19	-	-	119 per day"

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	606	649
B	427	457
C	427	457
D	427	457
E	427	457
F	427	457
G	427	457
H	427	457
I	427	457
J	427	457
K	427	457
Leading Junior		
A	520	557
B	366	393
C	366	393
D	366	393
E	366	393
F	366	393
G	366	393
H	366	393
I	366	393
J	366	393
K	366	393
Led Junior		
A	347	371
B	244	262
C	244	262
D	244	262
E	244	262

F	244	262
G	244	262
H	244	262
I	244	262
J	244	262
K	244	262
Junior Acting Alone		
A	415	446
B	273	292
C	273	292
D	293	314
E	248	266
F	248	266
G	293	314
H	273	292
I	273	292
J	293	314
K	293	314”

SCHEDULE 2

Article 7

PART 1

“Table of Fees and Uplifts

<i>Class of Offence</i>	<i>Basic Fee (B)</i> <i>(£)</i>	<i>Daily attendance</i> <i>fee (D)</i> <i>(£)</i>	<i>Evidence</i> <i>(E)</i> <i>(£)</i>	<i>Uplift</i>	<i>Witness</i> <i>Uplift</i> <i>(£)</i>	<i>(W)</i>
QC						
A	4,035	1,202	1.72		6.87	
B	2,661	902	1.72		6.87	
C	2,070	858	1.72		6.87	
D	2,403	858	1.72		6.87	
E	1,593	644	1.72		6.87	
F	1,593	644	1.72		6.87	
G	2,002	858	1.72		6.87	
H	2,002	858	1.72		6.87	
I	2,232	858	1.72		6.87	
J	3,005	1,030	1.72		6.87	
K	3,005	1,030	1.72		6.87	
Leading Junior						
A	3,026	902	1.29		5.15	
B	1,996	676	1.29		5.15	
C	1,552	644	1.29		5.15	
D	1,803	644	1.29		5.15	
E	1,195	483	1.29		5.15	
F	1,195	483	1.29		5.15	
G	1,502	644	1.29		5.15	
H	1,502	644	1.29		5.15	
I	1,674	644	1.29		5.15	
J	2,253	773	1.29		5.15	

K	2,253	773	1.29	5.15
Led Junior				
A	2,017	601	0.86	3.43
B	1,330	450	0.86	3.43
C	945	430	0.86	3.43
D	1,183	430	0.86	3.43
E	730	322	0.86	3.43
F	730	322	0.86	3.43
G	1,001	430	0.86	3.43
H	858	430	0.86	3.43
I	1,030	430	0.86	3.43
J	1,717	515	0.86	3.43
K	1,502	515	0.86	3.43
Junior alone				
A	2,318	708	1.03	5.15
B	1,373	493	1.03	5.15
C	945	430	1.03	5.15
D	1,183	430	1.03	5.15
E	687	343	1.03	5.15
F	730	343	1.03	5.15
G	1,288	430	1.03	5.15
H	858	430	1.03	5.15
I	1,030	430	1.03	5.15
J	1,717	558	1.03	5.15
K	1,717	558	1.03	5.15”

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	2,146	2.30	1.06
B	1,373	1.89	0.95
C	1,288	1.35	0.67
D	1,373	3.00	1.50
E	1,138	0.96	0.48
F	1,138	1.26	0.64
G	1,288	1.67	0.84
H	1,288	1.74	0.86
I	1,288	1.69	0.84
J	1,803	3.00	1.50
K	1,803	1.67	0.84
Leading Junior			
A	1,609	1.73	0.80
B	1,030	1.42	0.71
C	966	1.01	0.51
D	1,030	2.26	1.13

E	853	0.73	0.36
F	853	0.95	0.48
G	966	1.26	0.63
H	966	1.30	0.65
I	966	1.27	0.63
J	1,352	2.26	1.13
K	1,352	1.26	0.63
Led Junior			
A	1,073	1.16	0.54
B	687	0.95	0.47
C	644	0.67	0.34
D	687	1.50	0.76
E	569	0.48	0.25
F	569	0.64	0.32
G	644	0.84	0.42
H	644	0.87	0.44
I	644	0.85	0.42
J	901	1.50	0.76
K	901	0.84	0.42
Junior Alone			
A	1,194	0.98	0.49
B	730	0.86	0.43
C	472	0.63	0.32
D	730	1.25	0.62
E	430	0.37	0.18
F	430	0.57	0.28
G	687	1.07	0.54
H	515	0.57	0.29
I	601	0.45	0.23
J	1,030	1.25	0.62
K	1,030	1.07	0.54”

“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>A case that cracks in the second third Evidence uplift per page of prosecution evidence (pages 1,001 to 10,000)</i>	<i>A case that cracks in the final third Evidence uplift per page of prosecution evidence (pages 1,001 to 10,000)</i>
QC					
A	3,262	4.28	1.06	1.41	4.28
B	2,060	3.79	0.95	1.26	3.79
C	1,797	2.68	0.67	0.88	2.68
D	2,060	6.00	1.50	1.98	6.00
E	1,456	1.92	0.48	0.64	1.92
F	1,456	2.52	0.64	0.84	2.52
G	1,820	3.35	0.84	1.11	3.35
H	1,820	3.46	0.86	1.14	3.46
I	1,888	3.39	0.84	1.12	3.39

J	2,747	6.00	1.50	1.98	6.00
K	2,747	3.35	0.84	1.11	3.35
Leading Junior					
A	2,447	3.21	0.80	1.06	3.21
B	1,545	2.84	0.71	0.95	2.84
C	1,348	2.01	0.51	0.66	2.01
D	1,545	4.50	1.13	1.49	4.50
E	1,092	1.44	0.36	0.48	1.44
F	1,092	1.89	0.48	0.63	1.89
G	1,365	2.51	0.63	0.84	2.51
H	1,365	2.59	0.65	0.86	2.59
I	1,416	2.54	0.63	0.84	2.54
J	2,060	4.50	1.13	1.49	4.50
K	2,060	2.51	0.63	0.84	2.51
Led Junior					
A	1,631	2.14	0.54	0.71	2.14
B	1,030	1.89	0.47	0.63	1.89
C	899	1.35	0.34	0.45	1.35
D	1,030	3.00	0.76	0.99	3.00
E	728	0.96	0.25	0.32	0.96
F	728	1.26	0.32	0.42	1.26
G	910	1.67	0.42	0.56	1.67
H	910	1.73	0.44	0.57	1.73
I	944	1.69	0.42	0.56	1.69
J	1,374	3.00	0.76	0.99	3.00
K	1,374	1.67	0.42	0.56	1.67
Junior alone					
A	1,803	4.21	1.96	0.65	1.96
B	1,073	3.67	1.71	0.56	1.71
C	687	2.72	1.26	0.42	1.26
D	956	5.34	2.48	0.82	2.48
E	601	1.59	0.75	0.25	0.75
F	601	2.46	1.14	0.38	1.14
G	1,030	4.62	2.16	0.71	2.16
H	730	2.47	1.15	0.38	1.15
I	858	1.92	0.89	0.29	0.89
J	1,545	5.34	2.48	0.82	2.48
K	1,460	4.62	2.16	0.71	2.16"

PART 3

"Fees for confiscation hearings"

	Fee for QC	Fee for leading junior	Fee for junior alone	Fee for led junior
<i>1 – Daily and half-daily rates</i>				
Half-daily rate	287	215	143	143
Daily rate	549	382	263	263
<i>2 – Pages of evidence</i>				
51-250	716	597	478	358
251-500	1,074	896	716	537
501-750	1,433	1,194	955	716

751-1000	2,149	1,791	1,433	1,074
<i>3 - Preparation</i>				
Hourly rates	81	62	43	43”

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)	182 per day	137 per day	91 per day
Paper plea and case management hearing	9(3)	27 per case	27 per case	27 per case
Abuse of process hearing	10(1)(a)	273 Half day 523 Full day	205 Half day 364 Full day	137 Half day 250 Full day
Hearings relating to disclosure	10(1)(b) and (c)	273 Half day 523 Full day	205 Half day 364 Full day	137 Half day 250 Full day
Hearings relating to the admissibility of evidence	10(1)(d)	273 Half day 523 Full day	205 Half day 364 Full day	137 Half day 250 Full day
Hearings on withdrawal of guilty plea	10(1)(e)	273 Half day 523 Full day	205 Half day 364 Full day	137 Half day 250 Full day
Deferred sentencing hearing	12(1)(a)	341 per day	250 per day	182 per day
Sentencing hearing	12(1)(b)	273 per day	182 per day	114 per day
Ineffective trial payment	13	296 per day	205 per day	137 per day
Special preparation	14	77 per hour	59 per hour	41 per hour
Wasted preparation	15	77 per hour	59 per hour	41 per hour
Conferences and views	16	77 per hour	59 per hour	41 per hour
Appeals to the Crown Court against conviction	17(1)	273 per day	205 per day	137 per day
Appeals to the Crown Court against sentence	17(1)	228 per day	159 per day	114 per day
Proceedings relating to breach of an order of the Crown Court	17(1)	228 per day	159 per day	114 per day
Committal for sentence	17(1)	273 per day	205 per day	137 per day
Adjourned appeals,	17(2)	182 per day	137 per day	91 per day

committals for sentence and breach hearings				
Bail applications, mentions and other applications in appeals, committals for sentence and breach hearings	17(3)	182 per day	137 per day	91 per day
Second and subsequent days of an application to dismiss	18(6)	273 Half day 523 Full day	205 Half day 364 Full day	137 Half day 250 Full day
Noting brief	19	-	-	114 per day"

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	578	619
B	407	436
C	407	436
D	407	436
E	407	436
F	407	436
G	407	436
H	407	436
I	407	436
J	407	436
K	407	436
Leading Junior		
A	495	531
B	349	374
C	349	374
D	349	374
E	349	374
F	349	374
G	349	374
H	349	374
I	349	374
J	349	374
K	349	374
Led Junior		
A	330	354
B	233	249
C	233	249
D	233	249

E	233	249
F	233	249
G	233	249
H	233	249
I	233	249
J	233	249
K	233	249
Junior Acting Alone		
A	396	425
B	260	278
C	260	278
D	279	299
E	237	254
F	237	254
G	279	299
H	260	278
I	260	278
J	279	299
K	279	299”

SCHEDULE 3

Article 8

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 Uplift</i> (£)	<i>(W)</i>
QC						
A	3,835	1,143	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	1,903	816	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	2,876	857	1.23		4.90	
B	1,897	643	1.23		4.90	
C	1,476	612	1.23		4.90	
D	1,714	612	1.23		4.90	
E	1,136	459	1.23		4.90	
F	1,136	459	1.23		4.90	
G	1,427	612	1.23		4.90	
H	1,427	612	1.23		4.90	
I	1,592	612	1.23		4.90	

J	2,142	734	1.23	4.90
K	2,142	734	1.23	4.90
Led Junior				
A	1,918	571	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	952	408	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	2,203	673	0.98	4.90
B	1,305	469	0.98	4.90
C	898	408	0.98	4.90
D	1,125	408	0.98	4.90
E	653	326	0.98	4.90
F	694	326	0.98	4.90
G	1,224	408	0.98	4.90
H	816	408	0.98	4.90
I	979	408	0.98	4.90
J	1,632	530	0.98	4.90
K	1,632	530	0.98	4.90”

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	2,040	2.19	1.01
B	1,305	1.80	0.90
C	1,224	1.28	0.64
D	1,305	2.85	1.43
E	1,081	0.92	0.46
F	1,081	1.20	0.61
G	1,224	1.59	0.80
H	1,224	1.65	0.82
I	1,224	1.61	0.80
J	1,714	2.85	1.43
K	1,714	1.59	0.80
Leading Junior			
A	1,530	1.64	0.76
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	0.90	0.46
G	918	1.19	0.60
H	918	1.24	0.61
I	918	1.21	0.60
J	1,285	2.15	1.07
K	1,285	1.19	0.60
Led Junior			
A	1,020	1.10	0.51
B	653	0.90	0.45
C	612	0.64	0.32
D	653	1.43	0.72
E	541	0.46	0.23
F	541	0.61	0.30
G	612	0.80	0.40
H	612	0.83	0.42
I	612	0.80	0.40
J	857	1.43	0.72
K	857	0.80	0.40
Junior Alone			
A	1,135	0.93	0.47
B	694	0.81	0.41
C	449	0.60	0.30
D	694	1.19	0.59
E	408	0.35	0.17
F	408	0.54	0.27
G	653	1.02	0.51
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>A case that cracks in the second third Evidence uplift per page of prosecution evidence (pages 1,001 to 10,000)</i>	<i>A case that cracks in the final third Evidence uplift per page of prosecution evidence (pages 1,001 to 10,000)</i>
QC					
A	3,101	4.07	1.01	1.34	4.07
B	1,958	3.60	0.90	1.19	3.60
C	1,708	2.55	0.64	0.84	2.55
D	1,958	5.70	1.43	1.89	5.70
E	1,384	1.83	0.46	0.61	1.83
F	1,384	2.40	0.61	0.80	2.40
G	1,730	3.18	0.80	1.06	3.18
H	1,730	3.29	0.82	1.08	3.29

I	1,795	3.22	0.80	1.06	3.22
J	2,611	5.70	1.43	1.89	5.70
K	2,611	3.18	0.80	1.06	3.18
Leading Junior					
A	2,326	3.05	0.76	1.00	3.05
B	1,469	2.70	0.67	0.90	2.70
C	1,281	1.91	0.48	0.63	1.91
D	1,469	4.27	1.07	1.42	4.27
E	1,038	1.37	0.35	0.46	1.37
F	1,038	1.80	0.46	0.60	1.80
G	1,298	2.39	0.60	0.80	2.39
H	1,298	2.47	0.61	0.81	2.47
I	1,346	2.41	0.60	0.80	2.41
J	1,959	4.27	1.07	1.42	4.27
K	1,959	2.39	0.60	0.80	2.39
Led Junior					
A	1,551	2.03	0.51	0.67	2.03
B	979	1.80	0.45	0.60	1.80
C	854	1.28	0.32	0.42	1.28
D	979	2.85	0.72	0.94	2.85
E	692	0.92	0.23	0.30	0.92
F	692	1.20	0.30	0.40	1.20
G	865	1.59	0.40	0.53	1.59
H	865	1.64	0.42	0.54	1.64
I	897	1.61	0.40	0.54	1.61
J	1,306	2.85	0.72	0.94	2.85
K	1,306	1.59	0.40	0.53	1.59
Junior alone					
A	1,714	4.00	1.86	0.61	1.86
B	1,020	3.49	1.63	0.54	1.63
C	653	2.59	1.20	0.40	1.20
D	908	5.08	2.36	0.78	2.36
E	571	1.51	0.71	0.23	0.71
F	571	2.34	1.08	0.36	1.08
G	979	4.39	2.05	0.67	2.05
H	694	2.34	1.09	0.36	1.09
I	816	1.83	0.85	0.28	0.85
J	1,469	5.08	2.36	0.78	2.36
K	1,387	4.39	2.05	0.67	2.05"

PART 3

"Fees for confiscation hearings"

	Fee for QC	Fee for leading junior	Fee for junior alone	Fee for led junior
<i>1 – Daily and half-daily rates</i>				
Half-daily rate	273	205	137	137
Daily rate	523	364	250	250
<i>2 – Pages of evidence</i>				
51-250	683	569	455	341
251-500	1,024	854	683	511

501-750	1,365	1,138	910	683
751-1000	2,048	1,706	1,365	1,024
<i>3 - Preparation</i>				
Hourly rates	77	59	41	41”

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	238 per day	173 per day
Sentencing hearing	12(1)(b)	260 per day	173 per day	108 per day
Ineffective trial payment	13	281 per day	195 per day	130 per day
Special preparation	14	74 per hour	56 per hour	39 per hour
Wasted preparation	15	74 per hour	56 per hour	39 per hour
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 497 Full day	195 Half day 346 Full day	130 Half day 238 Full day
Noting brief	19	-	-	108 per day"

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	549	588
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	471	504
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	314	336
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	376	404
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”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Criminal Defence Service (Funding) Order 2007, which makes provision 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.

This Order amends the fees that are payable by the Legal Services Commission to advocates under the Advocates Graduated Fee Scheme and changes the definition of Very High Cost Cases in relation to advocates.

Article 5 amends the definition of Very High Cost Cases in relation to advocates.

Article 6 and Schedule 1 set out the fees payable to advocates in relation to proceedings in which representation orders are granted on or after 27th April 2010 but before 1st April 2011.

Article 7 and Schedule 2 set out the fees payable to advocates in relation to proceedings in which representation orders are granted on or after 1st April 2011 but before 1st April 2012.

Article 8 and Schedule 3 set out the fees payable to advocates in relation to proceedings in which representation orders are granted after 1st April 2012.

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STATUTORY INSTRUMENTS

2010 No. 1181

**LEGAL SERVICES COMMISSION, ENGLAND AND
WALES**

**The Criminal Defence Service (Funding) (Amendment No. 2)
Order 2010**

£5.75