

*This Statutory Instrument has been made to correct errors in S.I. 2010/1181 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2010 No. 1358**

**LEGAL SERVICES COMMISSION, ENGLAND AND WALES**

**The Criminal Defence Service (Funding) (Amendment No. 3) Order 2010**

*Made - - - - at 11.30 a.m. on 26th April 2010*

*Coming into force in accordance with article 1*

*To be laid before Parliament*

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. 3) Order 2010 and comes into force immediately before 27th April 2010.

2. In this Order “the 2010 Order” means the Criminal Defence Service (Funding) (Amendment No. 2) Order 2010(b).

**Amendments to the 2010 Order**

3. The 2010 Order is amended in accordance with articles 4 to 6.

4. In Schedule 1 to the 2010 Order for the table in Part 3 substitute—

**“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

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(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. 2010/1181.

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”

5. In Schedule 2 to the 2010 Order for the table in Part 3 substitute—

<b>“Fees for confiscation hearings (£)</b>				
	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”

6. In Schedule 3 to the 2010 Order for the table in Part 3 substitute—

<b>“Fees for confiscation hearings (£)</b>				
	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	260	195	130	130
Daily rate	497	346	238	238
<i>2 – Pages of evidence</i>				
51-250	649	541	433	324
251-500	973	811	649	486
501-750	1,298	1,081	865	649
751-1000	1,946	1,622	1,298	973
<i>3 - Preparation</i>				
Hourly rates	74	56	39	39”

Signed by authority of the Lord Chancellor

26th April 2010

*Bridget Prentice*  
Parliamentary Under Secretary of State  
Ministry of Justice

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Criminal Defence Service (Funding) (Amendment No. 2) Order 2010, to correct errors in that Order. That Order amends the fees that are payable by the Legal Services Commission to advocates under the Criminal Defence Service (Funding) Order 2007 (S.I. 2007/1174) and changes the definition of Very High Cost Cases in relation to advocates.

Following a public consultation, a decision was taken to reduce fees in the Advocates Graduated Fee Scheme by 13.5% over 3 years, with a 4.5% reduction each year. Because of errors in the relevant tables, the 2010 Order does not achieve this intention in relation to fees for confiscation hearings; the effect of the errors is that instead of fees for those hearings being reduced by 4.5% in the first year, they are held at existing levels, with reductions starting from April 2011 rather than April 2010 as intended.

This Order rectifies the errors by inserting the correct fee tables for confiscation hearings into the 2010 Order on 26th April 2010, just before the relevant provisions of that Order come into force thus ensuring that the correct fees will be payable from the outset.

An impact assessment relating to the fee changes has been published by the Ministry of Justice and the Legal Services Commission as part of their joint consultation response, "Legal Aid: Reforming Advocates Graduated Fees and Very High Cost (Crime) Cases 2010" and is available from the Ministry of Justice, 102 Petty France, London, SW1H 9AJ or at [www.legalservices.gov.uk](http://www.legalservices.gov.uk).

As this Statutory Instrument has been made to correct errors in the 2010 Order, it is being issued free of charge to all known recipients of that Order.

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£4.00