STATUTORY INSTRUMENTS

# 2006 No. 389

# LEGAL SERVICES COMMISION, ENGLAND AND WALES

# The Criminal Defence Service (Funding) (Amendment) Order 2006

| | |
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| *Made - - - -* | 16th February *2006* |
| *Laid before Parliament* | 20th February *2006* |
| *Coming into force - -* | *13th March 2006* |

This Order is made in exercise of the powers conferred(**a**) by section 14(3) of the Access to Justice Act 1999(**b**). The Lord Chancellor has consulted the General Council of the Bar and the Law Society in accordance with section 25(2) of that Act and he has had regard to the matters specified in section 25(3) of that Act. The Lord Chancellor makes the following Order:

**Citation and commencement**

**1.** This Order may be cited as the Criminal Defence Service (Funding) (Amendment) Order 2006 and comes into force on 13th March 2006.

**Interpretation**

**2.** In this Order "the 2001 Order" means the Criminal Defence Service (Funding) Order 2001(**c**).

**Transitional Provisions**

**3.**—(1) This Order applies only in respect of proceedings where a representation order was granted on or after 3rd October 2005.

(2) In respect of all other representation orders the 2001 Order has effect as if this Order had not been made.

(3) Words and expressions used in this Order have the same meaning as in the 2001 Order.

**Amendments to the Criminal Defence Service (Funding) Order 2001**

**4.** In paragraph 4 in Part 1 of Schedule 2 to the 2001 Order after sub-paragraph (1A) insert —

(**a**) The powers were conferred on the Lord Chancellor, transferred to the Secretary of State by the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887) and were transferred back to the Lord Chancellor by the Transfer of Functions (Lord Chancellor and Secretary of State) Order 2005 (S.I.2005/3429).
(**b**) 1999 c.22.
(**c**) S.I.2001/855; amended by S.I.2001/1143, S.I.2001/1256, S.I.2001/3341, S.I.2002/714, S.I.2003/642, S.I.2004/2045, S.I.2005/2621.

"(1B) Paragraph 5 of Schedule 4 applies to solicitors in respect of proceedings in the Crown Court and Court of Appeal as it applies to advocates.".

Signed by authority of the Lord Chancellor

*Bridget Prentice*
Parliamentary Under Secretary of State
Department for Constitutional Affairs

Date 16th February 2006

**EXPLANATORY NOTE**

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

This Order amends the Criminal Defence Service (Funding) Order 2001 ("the 2001 Order").

Schedule 2 to the 2001 Order deals with solicitors' fees. The amendment confers a right for solicitors to apply for the reclassification of certain offences when having their fees determined. The right relates only to indictable offences classified within Class H when they are not listed in the Table of Offences at the end of Schedule 4. The way an offence is classified will determine whether it may be possible to receive fees at more than the prescribed relevant rates.

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