

2012 No. 1343

**LEGAL SERVICES COMMISSION, ENGLAND AND
WALES**

**The Criminal Defence Service (Funding) (Amendment No. 2)
Order 2012**

<i>Made</i>	- - - -	<i>17th May 2012</i>
<i>Laid before Parliament</i>		<i>22nd May 2012</i>
<i>Coming into force</i>	- -	<i>18th June 2012</i>

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

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 has had regard to the matters specified in section 25(3) of that Act.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Criminal Defence Service (Funding) (Amendment No. 2) Order 2012 and comes into force on 18th June 2012.

(2) This Order applies to proceedings in which a representation order is granted on or after 18th June 2012.

Amendments to the Criminal Defence Service (Funding) Order 2007

2. The Criminal Defence Service (Funding) Order 2007(b) is amended as follows.
3. In article 6(2), after “committed” insert “or sent for trial”.
4. In article 12—
 - (a) for the heading, substitute “Cases sent for trial to the Crown Court”;
 - (b) in paragraph (1), omit “under section 51 of the Crime and Disorder Act 1998(c) (no committal proceedings for indictable-only offences)”.
5. In article 14(1), after “committed” insert “or sent for trial”.

(a) 1999 c. 22. The reference in section 6 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. Section 25(8A) was inserted by section 153 of the Coroners and Justice Act 2009 (c. 25).

(b) S.I. 2007/1174, amended by S.I. 2007/3552, 2008/957 and 2930, 2009/1843 and 2086, 2010/679 and 1181, 2011/2065 and 2012/750.

(c) 1998 c.37.

- 6.** In paragraph 2 of Schedule 1—
- (a) in sub-paragraph (4A)(a), after “committed” insert “or sent for trial”;
 - (b) in sub-paragraph (5A)(a), after “committed” insert “or sent for trial”;
 - (c) in sub-paragraph 7(a), omit “under section 51 of the Crime and Disorder Act 1998 (no committal proceedings for indictable-only offences)”;
 - (d) in sub-paragraph (8), for “under the provisions” substitute “as”.
- 7.** In paragraph 5A of Schedule 1—
- (a) For “This Part” substitute “Subject to paragraph 18, this Part”;
 - (b) after “committed” insert “or sent for trial”.
- 8.** In paragraph 7A of Schedule 1, after “committed” insert “or sent for trial”.
- 9.** In paragraph 18 of Schedule 1—
- (a) in sub-paragraph (1)(a), omit “under section 51 of the Crime and Disorder Act 1998 (no committal proceedings for indictable-only offences)”;
 - (b) for sub-paragraph (4A)(b) substitute—
 - “(b) the case is remitted to the magistrates’ court in accordance with paragraph 10(3)(a), 13(2) or 15(3)(a) of Schedule 3 to the Crime and Disorder Act 1998,”;
 - (c) in sub-paragraph (6)(b)—
 - (i) omit “the charge, or charges, of an offence triable only on indictment are dismissed and”;
 - (ii) after “paragraph 10(3)(a)” insert “, 13(2) or 15(3)(a)”.
- 10.** In paragraph 2 of Schedule 2
- (a) in sub-paragraph (2)(2)(a), omit “under section 51 of the Crime and Disorder Act 1998 (no committal proceedings for indictable-only offences)”;
 - (b) in sub-paragraph (3), for “under the provisions” substitute “as”.
- 11.** In paragraph 3A of Schedule 2
- (a) For “This Part” substitute “Subject to paragraph 16, this Part”;
 - (b) after “committed” insert “or sent for trial”.
- 12.** In paragraph 8A of Schedule 2, after “committed” insert “or sent for trial”.
- 13.** In paragraph 15(1)(a) of Schedule 2, for “a documentary or pictorial exhibit is served by the prosecution in electronic form where” substitute “where a documentary or pictorial exhibit is served by the prosecution in electronic form and”.
- 14.** In paragraph 16 of Schedule 2—
- (a) in sub-paragraph (1)(a), omit “under section 51 of the Crime and Disorder Act 1998 (no committal proceedings for indictable-only offences)”;
 - (b) for sub-paragraph (4)(b) substitute—
 - “(b) the case is remitted to the magistrates’ court in accordance with paragraph 10(3)(a), 13(2) or 15(3)(a) of Schedule 3 to the Crime and Disorder Act 1998,”;
 - (c) in sub-paragraph (6)(b)—
 - (i) omit “the assisted person is charged on an indictment which includes no offence that is triable only on indictment, and”;
 - (ii) after “paragraph 10(3)(a)” insert “, 13(2) or 15(3)(a)”.

Signed by authority of the Lord Chancellor

17th May 2012

J Djanogly
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) Order 2007 (S.I. 2007/1174).

The Order makes a number of amendments to the 2007 Order in the light of the Criminal Justice Act 2003 (Commencement No. 28 and Saving Provisions) Order 2012 (S.I. 2012/1320) (“the 2012 commencement Order”). The 2012 commencement Order commences certain provisions of the Criminal Justice 2003 so that, with effect from 18th June 2012 in certain local justice areas, offences triable either way will be sent from the magistrates’ court to the Crown Court rather than reaching the Crown Court by way of committal proceedings. The Order makes consequential amendments to a number of provisions of the 2007 Order to reflect that fact and ensures that the existing provisions of the 2007 Order in relation to cases sent to the Crown Court also apply to cases sent for trial to the Crown Court in the relevant local justice areas under the commenced provisions.

The Order also corrects a minor error in the 2007 Order.

© Crown copyright 2012

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

STATUTORY INSTRUMENTS

2012 No. 1343

**LEGAL SERVICES COMMISSION, ENGLAND AND
WALES**

**The Criminal Defence Service (Funding) (Amendment No. 2)
Order 2012**

£4.00

E3512 05/2012 123512 19585

ISBN 978-0-11-152468-8



9 780111 524688