

Criminal Defence Service
Ground Floor, Greencroft House, 12 Roger Street,
London, WC1N 2JL
DX: 328 London/Chancery Lane.
Main Switchboard: (020) 7759 0000
FAX: **020 7759 1051**

For the attention of the Head of the Criminal Department

25 October 2005

Dear Practitioner,

NOTICE OF AMENDMENT TO THE GENERAL CRIMINAL CONTRACT

I wrote to you on 8 September to provide a Notice of amendment to the General Criminal Contract which will be effective from 31 October 2005.

Since issuing this Notice two issues have arisen which we believe need resolving urgently. We have discussed these with The Law Society and they have agreed the approach we are taking to amend the Contract Notice before it comes into effect.

Disability Discrimination Act 1995

The Disability Discrimination Act 1995 places an obligation on service providers to take reasonable steps to assist clients with disabilities. The supplier as service provider is therefore obliged to make reasonable adjustments which incur additional expense which cannot be passed on to the client, and this might include the provision of sign language interpreters, or other language support professionals, for clients who are deaf or hard of hearing. We consulted on an amendment that clarified that we would no longer pay for such expenses, which reflected the position adopted under the civil scheme. After consultation this was amended to clarify that such expenses could be paid where they went beyond reasonable adjustments under the Act.

The Commission has since amended its position on this issue and determined that despite the legal issues, it should ensure that deaf clients have representation by meeting the cost of sign language interpreters and other language support professionals (provided such expenses are reasonably incurred) and take steps to ensure that such costs are not passed onwards to the client. This applies to both the civil and criminal schemes. The amendments consulted upon relevant to this issue will therefore not take effect.

Changes to Funding for Services Cases

The Commission facilitates certain work in relation to services cases and is then reimbursed by the Ministry of Defence. The Commission originally consulted on amendments to remove services cases outside of the UK from the scope of the General Criminal Contract and for these cases to be remunerated directly by the Ministry under existing arrangements. Having considered responses to consultation the wording was revised to "outside England and Wales", but issues have now arisen particularly concerning services personnel based in Scotland. As a result we have decided to revert to the original wording consulted on. The revised amendments are enclosed.

I apologise that it has been necessary to make these changes at such a late stage.

Whilst writing to you I would like to take the opportunity to inform you of changes to the CDS eligibility rates that will also be effective from 31 October 2005. I enclosed details of the changes and a revised key card for your information.

If you have any questions concerning these changes please contact the Regional Office responsible for managing your contract in the first instance.

Yours faithfully

A handwritten signature in blue ink that reads "Derek Hill". The signature is written in a cursive style with a large initial 'D'.

Derek Hill
CDS Director

Encl.

Contract Specification Part A - Scope and Structure of Contract Work

2. Criminal Investigations

Insert new paragraph 2.2.2 as follows:

“2. This Class of Work does not include any matter in connection with an investigation by Services Police where an attendance takes place outside the UK.”

Contract Specification Part B - Rules and Guidance on Performing Contract Work

1. General Rules – All Authorised Levels of Service

Add new paragraph after 1.5 as follows:

“1.6 Amendments Implemented from 31 October 2004 and 31 October 2005

There are no transitional provisions for the amendments set out in the Contract Amendment Notices that took effect on 31 October 2004 and 31 October 2005 and which are summarised in the table below. Each amendment applies to all work performed from the relevant implementation date.

<u>Amendment</u>	<u>Implementation Date</u>
<u>Duty Solicitor serious offence rates (Part E, paragraph 2.2)</u>	<u>31 October 2004</u>
<u>Amendments applying to the CDS Direct Pilot, CDS Direct Pilot Cases and Former CDS Direct Pilot Cases (Part B, Sections 8 and 9, Part E, paragraph 2.2)</u>	<u>31 October 2005</u>
<u>Cap fares/disbursements where travel time is capped to 45 minutes (Part B, paragraphs 3.3 and 8.2.11)</u>	
<u>Application to vary pre-charge bail conditions (Part A, paragraph 2.2.2 (f))</u>	
<u>Applications to vary pre-charge bail conditions added to scope of Criminal Investigations and service requirements for court Duty Solicitor cases (Part A 2.2.2 (f) and Part B, paragraph 8.3.2)</u>	
<u>Services work outside the UK removed from scope (Part A, paragraph 2.2.2)</u>	
<u>Change to Service Requirements for Court Duty Solicitor cases (Part B, paragraph 8.3.6)</u>	

8 Scope of Duty Solicitor Service and Service Obligations – Except for CDS Direct Pilot Cases

Amend paragraph 8.2.10 as follows

- “10. If the Client is a Services Person requiring representation within the UK at a custody hearing before a judicial officer under the Armed Forces Discipline Act 2000, the Duty Solicitor shall attend personally upon the Client to provide Advice and Assistance (including Advocacy Assistance).”

Contract Specification Part C Contract Work – Reporting Assessment and Payment of Claims

The amendments to the table at Part C 1.18.2, and the insertion of paragraph 1.18.12, will now not take effect.

Changes to the Duty Solicitor Manual and the Police Station and Court Duty Solicitor Costs Assessment Manual

The changes previously announced will be amended as follows:

In the Duty Solicitor Manual (paragraph 3.1 (c)) and the Police Station and Court Duty Solicitor Costs Assessment Manual (paragraphs 6.2.1 and 6.5.1), the words ‘England and Wales’ will where they appear be replaced by the words ‘the UK’.

The changes to the Police Station and Court Duty Solicitor Costs Assessment Manual (paragraph 7.11) relating to sign language interpreters will now not take effect.