

**MINUTES OF THE CRIMINAL CONTRACT CONSULTATIVE GROUP**  
**31 MARCH 2004, LAW SOCIETY, 113 CHANCERY LANE LONDON WC2A**

Present: Katherine Pears (LSC), Tim Collieu (LSC), Rodney Warren (TLS), Greg Lewis (TLS), Richard Collins (LSC), Steve Wedd

1. Apologies

Rob Brown (LCSSA)

2. Minutes

These had now been agreed and placed on the LSC and Law Society websites.

3. Amendments to the General Criminal Contract Specification from 17 May 2004-03-12

With regard to Paragraph 19, the Law Society had written to the LSC suggesting the rule might be difficult to enforce. The LSC had made clear that the only means by which solicitors can be paid for phone calls when their clients were not in the police station was through means tested Advice and Assistance. This was however dependant upon the client being eligible. Clients who were ineligible would not get the Advice and Assistance, and the Society therefore felt it unreasonable to require a phone call to be made which would not be remunerated. In such cases there needed to either be a separate mechanism for paying for the phone call, or a guarantee that any attendance on an ineffective bailback would be paid for.

4. Proposal for Guidance to be incorporated into the Contract Specification

The LSC said this had always been the case in civil and that it was an issue of achieving parity between the contracts. The LSC also maintained that much of the guidance talked about 'reasonableness', which was in any case subject to interpretation. Nevertheless, the LSC agreed to consider the concerns expressed about the guidance.

5. Appeal Process

This was currently being discussed as part of the contract negotiations. The Law Society's main concern was the Cost Compliance Audit. The mechanics of the appeal process itself still needed to be discussed. The Society's view was that the amendments proposed at present were unacceptable. The aim was to achieve a clear, transparent, workable process.

6. VHCCs

The LSC were asked about the possibility of a review of the membership of the Serious Fraud Panel, but were told that this was unlikely now. They would write following the response to the recent consultation; concerns had been expressed particularly on categorisation. The Society suggested that a separate budget for VHCCs should be proposed as part of the Fundamental

Legal Aid review. It would help to make clear where the costs drivers were occurring.

7. Costs Manuals

The response to the recent consultation on the Criminal Costs Manuals would be co ordinated by the Law Society, with specialist input from CLSA and LCCSA.

8. EU Working Time Directive

It was agreed that this would be brought forward to the next meeting.

**Date of next meeting: 5 May at the LSC**