

**Complex Crime Unit**

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**Sent by email.**

12 December 2008

Dear Sirs

**Very High Costs Case (Crime) Panel Contract for Panel Advocates**

Amendment of clause 4.2 pursuant to clause 25.2A

On 24 October 2008, Justice Secretary and Lord Chancellor Jack Straw announced interim provisions to ensure that VHCCs are dealt with effectively and economically until July 2009. We are advised that despite the new payment rates introduced for VHCC work undertaken on or after 13 November 2008 concerns persist about the operation of the current VHCC Panel, notably the contractual obligations regarding the instruction of non-panel advocates.

In particular, the Bar Council raised issues about the operation of the 21 day procedure in Annex 9 to the Panel Member's Contract. It was suggested that the procedure be streamlined to simply require the Panel Member to confirm they have used all reasonable endeavours to instruct a Panel Advocate before proceeding to instruct off-panel, if necessary.

Following a consultation with and the approval by the Consultative Bodies defined in the Contract (The Law Society, the Legal Aid Practitioners Group, the Bar Council, the Criminal Bar Association and the London Criminal Courts Solicitors Association) we are therefore amending Annex 9 and in particular clauses 1.5, 1.5(A) and 1.5(B) of the Panel Member's Contract. We are also amending clause 4.2 of the Panel Advocate Contract.

These amendments will mean that a Panel Member must still use reasonable endeavours to instruct a Panel Advocate but if they are unable to instruct a Panel Advocate with the appropriate level of skill, expertise, capacity and ability to conduct the case, they may instruct a non-panel advocate provided they notify the Legal Services Commission's Complex Crime Unit.

Please note that this amendment is effective from 15 December 2008.

Yours faithfully



David Keegan  
Director of High Cost Cases Group