

General Criminal Contract: Enforceability of amendments for 2007(London)

This note reflects the LSC position in respect of the enforceability of the 2007 amendments to the General Criminal Contract. It has been prepared in response to the advice by the Law Society's solicitors Bircham Dyson Bell (BDB) dated 14 March 2007.

Crime Providers out of London

We are pleased that BDB have accurately reflected the position, the amendments to the Standard Terms are effective from 1 April 2007, with most of the amendments to the Specification effective from 16 April 2007.

Crime Providers in London

By way of contrast, BDB's assertion that the General Criminal Contracts in London expired on 30 June 2005 is incorrect. As notified in Focus on CDS 16 (December 2004), Providers were offered an extension of their existing Contract in a letter dated 21 December 2004 on the terms in force as at 30 June 2005. By carrying on work after 30 June 2005, providers accepted the terms of that extension. Providers will also be aware that instead of a fixed term contract, London contracts continue to "roll over" subject to termination on 3 months' notice.

The terms in force on 30 June 2005 included, under clause 11 of the Standard Terms, the ability to amend the Specification at our discretion within the April and October "windows". However, we accept that there is no ability to amend the Standard Terms without consent and this is why Derek Hill's letter dated 26 February 2007 drew a distinction between the amendments to the Specification (Magistrates Court fees) and the Standard Terms (e-business, equality and diversity etc). The same limitation does not apply out of London as the terms on which we allowed the extension from 31 March 2007 to 31 March 2008 included the ability to amend the Standard Terms. In practice, we hope that London crime providers will voluntarily adopt the amendments set out above, which offer real benefits to clients, providers and the LSC.

For the avoidance of doubt, we have confirmed that crime contracts outside London will terminate on 31 March 2008 and it is our current intention to serve notice to terminate London crime contracts on that date. This is to bring crime providers onto the Unified Contract as proposed in *Legal Aid Reform: the Way Ahead*. Both terminations are without prejudice to any earlier termination by way of 3 months' notice or otherwise.

Conclusion

In the circumstances the position in respect of the amendments to the Specification are the same for all crime providers, wherever they are based, most of the amendments will become effective on 16 April 2007.

If providers have any further queries, they should contact their Account Manager at first instance.

Corporate Legal Team
30 March 2007