

Sir Robert Neill MP
Chair, Justice Select Committee
House of Commons
London
SW1A 0AA

The Right Honourable
Brandon Lewis CBE MP
Lord Chancellor and
Secretary of State for
Justice

MoJ ref: 100294

13 October 2022

Dear Sir Bob,

CRIMINAL LEGAL AID

Since I became Lord Chancellor, I have been keen to resolve the dispute with the Criminal Bar Association (CBA), in order get the criminal justice system working again. To that end, my officials and I have been holding constructive discussions on a package of proposals with the Bar Council and CBA. This package was agreed as part of our overall response to the Criminal Legal Aid Independent Review (CLAIR) consultation.

I am pleased to announce that the CBA membership has now voted in favour of my offer on criminal legal aid and has agreed to come back to work.

As a result, as discussed, my Department laid a Statutory Instrument on 11 October to apply the recent 15% fee uplift to the vast majority of existing cases in the current Litigators' Graduated Fee Scheme (LGFS) and Advocates' Graduated Fee Scheme (AGFS), where the main hearing takes place after the commencement of the Statutory Instrument on 31 October 2022. This equates to an additional investment of £28 million in the AGFS and £14 million in LGFS over the Spending Review period.

My Department will also make an additional £3 million of funding available for written work and special preparation as well as a further £4 million for defence barristers involved in pre-recorded cross-examinations, which are used to reduce the trauma of a trial for vulnerable victims and witnesses by early 2023.

The Ministry of Justice is proposing a further £5 million uplift per year for fees in the youth court, from the 2024/25 financial year, which is expected to particularly benefit both solicitors and some junior barristers.

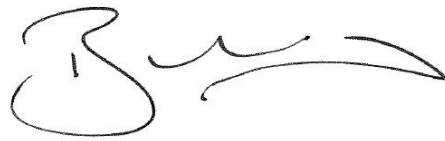
A new Criminal Legal Aid Advisory Board on Criminal Legal Aid reform will also be created and hold its first meeting in October. This Board will discuss the operation of the criminal legal aid system and make recommendations to me.

In addition to this, we will respond to the remaining elements of the CLAIR consultation by the end of November, including further reforms directed at solicitors. As was made clear by CLAIR, the profession of criminal legal aid solicitors requires immediate attention, and I am keen to work to provide further reforms and support.

I look forward to working constructively with criminal legal aid practitioners on criminal justice issues, including working to drive down court backlogs and resolve cases sooner.

After all, we share the same aim – putting the criminal justice system on a more sustainable footing for the future to support victims, and everyone who relies on our justice system.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'B. Lewis', written in a cursive style.

RT HON BRANDON LEWIS CBE MP
LORD CHANCELLOR AND SECRETARY OF STATE FOR JUSTICE