

Sir Bob Neill MP  
Member of Parliament for Bromley and Chislehurst  
House of Commons  
Westminster  
London  
SW1A 0AA

9<sup>th</sup> January 2023

Dear Sir Bob

Happy New Year. I hope you had a restful festive break.

I write to extend my thanks for your support in ensuring that defence legal aid received an increase in funding and a commitment to longer term reforms of the criminal legal aid following negotiations with the Ministry of Justice and former Lord Chancellor, Brandon Lewis OBE MP in September 2022.

You will no doubt remember our meeting last summer to discuss the plight of criminal law barristers in England and Wales and the wider problems associated with the criminal justice system.

Your support was integral to opening our negotiations, which saw the 15 % increase in legal aid fees, originally recommended as a minimum by the Independent Review into Criminal Legal Aid (CLAR) in December 2021, apply to the vast majority of the backlog cases in crown courts rather than just to cases in the future years.

Funding also was part of the government deal for pre-recorded cross-examination (section 28) cases and written work – to be brought into force in January and February 2023. The percentage increase in the deal is likely to average at 20% - depending upon the amount of written work. Significantly, expedition was achieved in forming the Advisory Board on Criminal Legal Aid (CLAAB) – also recommended by CLAR-which is crucial for medium and long-term reform.

In December 2022, I had a positive meeting with the Lord Chancellor, Dominic Raab MP, where I outlined, as I had with his predecessor, that the inadequate funding in the offer for section 28 cases meant that barristers are now refusing to undertake trials where there is pre-recorded cross-examination, due to having to prepare the trial twice for little additional remuneration. I also headlined that unless the increase to defence fees was matched by increase to prosecution fees, barristers would continue to refuse to prosecute.

I also have maintained regular meetings with the Crown Prosecution Service (CPS) and the Director of Public Prosecution (DPP). There is agreement with the CBA that there must be parity between defence and prosecution. The DPP has stated this publicly in evidence to the Justice Select Committee and in recent media interviews.

The urgency is underlined in every trial that is adjourned for further months or years due to a lack of barristers to prosecute. A functioning criminal justice system is achievable with both immediate investment and sustained reform. Otherwise the system remains in crisis and those who are the most vulnerable, such as children, victims of sexual offences, mentally unwell, witnesses to crimes, elderly victims of fraud, continue to absorb the impact.

I would therefore welcome the opportunity to meet again over the forthcoming weeks to discuss how you might assist the CBA and criminal barristers in England and Wales in realising increase to fees for prosecution barristers to match defence and driving forward the necessary reforms to the criminal justice system which will ensure long-term future stability.

Once again, thank you for your time and help during the summer of 2022.

I look forward to hearing from you.

Yours sincerely,

Kirsty Brimelow KC  
**Chair**  
**Criminal Bar Association**