

CONFIDENTIAL *CB*



ROYAL COURTS OF JUSTICE
LONDON, WC2A 2LL

01-405 7641 Extn

6 March 1986

John MacGregor Esq
The Chief Secretary of the Treasury
Treasury Chambers
Parliament Street
London
SW1P 3AG

Dear John.

REMUNERATION OF BARRISTERS

Thank you for copying to me your letter to the Lord Chancellor of 26th February 1986. As you know, I have shared your view that there should be early discussion of our future handling of the Bar's claim so that a cohesive strategy can be developed to accommodate the different problems and needs of our respective Departments.

There have been two developments since the E(A) meeting on 3rd February which have assisted my position in the short-term. First, I was able to persuade the Chairman of the Bar that we should treat the negotiations about sessional fees for magistrates' court work as a new and separate issue. Officials from the Department of the Director of Public Prosecutions have already had two constructive meetings with representatives of the Bar. It is envisaged that these discussions will give rise to guidelines to CCPs for the basis on which barristers should be instructed for sessional work and 'norms' as to the rates to be paid. This should facilitate proper control of expenditure whilst allowing sufficient flexibility to meet local requirements. In deciding what to offer, the DPP's officials have naturally consulted with your officials and those of the Lord Chancellor so as to avoid prejudicing either the wider issues or the pending litigation. The response of the Bar to what is offered will determine whether it is necessary to trouble colleagues further with this particular issue.



Secondly, colleagues are already aware that establishment of the Crown Prosecution Service will be accompanied by a change in the arrangements for assessment and payment of Counsel's fees arising from the change in the method of funding. There is now agreement to commence discussions with the Bar as to the structure of the new arrangements. The level of remuneration must await our own discussions. The Bar have hitherto refused to discuss questions of structure separately from the question of levels of remuneration. Their agreement to do so now is useful. Officials have arranged preliminary talks with the Bar.

All this is helpful, but our prospects of securing the co-operation of the Bar for the Crown Prosecution Service will depend on their seeing a prospect of a significant increase in the levels of remuneration within the foreseeable future. Whatever the outcome of the proceedings now faced by the Lord Chancellor I shall be expected to respond shortly thereafter on the question of CPS fees. It is important that we formulate our approach to the longer term. For my part I can see no merit in a charade of further negotiations if the reality is that no extra money would be available. As you know, I am convinced that the quality of the future service requires better remuneration.

Copies of this letter go to the Prime Minister, members of E(A), the Lord Chancellor and Sir Robert Armstrong.

Yours Obedt, Michael

HOME AFFAIRS; Civil Legal Aid work: Dec. 1982

