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**THE CHAIRMAN  
TIMOTHY DUTTON QC**

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Heads of Criminal Chambers  
Circuit Leaders

11 July 2008

Dear Colleague

**VHCCs**

I am writing in order to up date you on progress in our discussions with the MOJ, the LSC, and the Law Society concerning VHCCs. We have had a target date of 8<sup>th</sup> July by which we had hoped to have an outline new scheme which we could announce to the profession. The fact that this date has come and gone is obviously a cause for concern. The task of analysing the data has turned out to be unforeseeably complex, in particular the task of matching Court and LSC data.

However, discussions are continuing and are doing so constructively and urgently: designing a new and viable scheme is a major undertaking and the amount of future work involved remains difficult to estimate. The working group meets regularly and is attempting to develop a scheme which is not dependent on hourly rates, which delivers within budget, and which can attract the best practitioners back into this field. The object is ensure that ability and efficiency are properly rewarded. The minutes of the group are being published and can be found on the Bar Council website at [www.barcouncil.org.uk](http://www.barcouncil.org.uk) (click on the News Section)

To this end Professor Martin Chalkley and Simon Hayllar (the MOJ's statistician) have made substantial progress on the figures but they need to undertake more work on court records. They and the working group have identified case stages: stage 1 to PCMH, stage 2 PCMH to trial and stage 3 the trial. The intention is to create payments within these stages on a basis akin to a graduated fee scheme.

The working group has also identified the case categories: these are (i) terrorism, (ii) fraud/money laundering and (iii) other serious crimes where the case is expected to last usually more than 40 days.

During the summer the statisticians will undertake more work with a view to their work being ready for a meeting with Ministers in early September with a target date to have an outline for consultation by the end of September. I will be writing again as soon as I have developments to report. I have, when talking about VHCCs, been making it clear that getting

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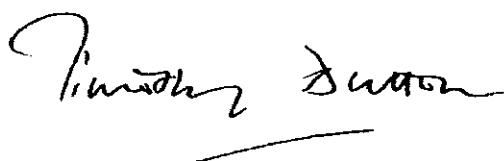
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a new scheme in place is a large project. It involves completing the design, carrying out a statutory consultation, and bringing the contracts signed to an end (which takes a minimum of six months under the terms of the contracts, the contracts expiring in any event in July 2009). This means that a new scheme will not become operative before about mid 2009. But remember that we are all concerned that this should lead to a long term workable scheme, which all of the parties can work with, and which the Bar regards as fair and not something which is being imposed against the profession's wishes as this current interim scheme nears its end. I have repeatedly said that short term fixes suit no-one still less an imposed and unsatisfactory scheme in 2009.

In the meantime cases will come on stream and practitioners may be offered them ad hoc if they have not signed the contract at the rates set out in January. The advice remains the same: you must make your own decision as to whether to accept an ad hoc case.

I will report on progress in September.

Kind regards

A handwritten signature in black ink, appearing to read "Timothy Dutton". The signature is written in a cursive style and is underlined with a single horizontal stroke.