

15<sup>th</sup> November 2006

To:  
Circuit Leaders  
Heads of Chambers  
Chairman of the CBA  
Chairman Sole Practitioners Group  
Senior Clerks

Dear Colleague,

**The Bar's Relationship with the CPS and use of Higher Court Advocates (HCAs)**

In March this year the Chairman of the Bar and the DPP set up a group, known as the Advocacy Liaison Group (ALG), which has been meeting regularly in order to address the problems which arise out of the increased use of Higher Court Advocates (HCAs) by the Crown Prosecution Service.

We have agreed a set of Principles which are to be applied by the CPS and the Bar and which are intended to govern the relationship between the CPS and the Bar in relation to prosecution work and the deployment of HCAs. There are some clear statements – such as the recognition that where there are CPS employment initiatives for HCAs the Bar will be consulted, and that where problems occur on the ground they will be addressed locally through Circuit Leaders and the CPS, and if not solved brought to the ALG.

The Principles are also clear and straightforward: they build on existing principles which the Bar has long agreed to, such as the Farquharson Guidelines, and they promote the early instruction of counsel and the use of the same advocate for PCMH hearings and trials. These Principles have been approved by the DPP and the Attorney General, and by the Bar Council.

The CPS is today distributing the attached documents to all Chief Crown Prosecutors and the Bar Council is distributing them to the Bar. The document should serve as a timely reminder of the mutual obligations which exist for the proper conduct of cases by the CPS and the Bar. There is an underlying recognition that the CPS and the Bar when instructed by the CPS have a common objective which is to ensure that cases are prosecuted to very high standards, and that problems in advocacy deployment must not impinge upon that common objective.

The next stage of the ALG's work will involve ensuring that these principles are adhered to by the CPS and the Bar around the country and that we address and solve any problems encountered locally.

**I would be grateful if you could ensure that all of those who practise in crime are given a copy of the Statement of Principles, and read them**

Yours sincerely

Timothy Dutton QC