

**From the Chair of the Attorney General's Unified List of
Criminal Counsel**

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Dear Colleague

Further to previous letters, I write to confirm that the review of the Attorney General's List is now complete and to inform you of the outcome.

The departure of RCPO and now DEFRA to the CPS means that the remaining departments and agencies (DWP/DH, BIS, HSE, EA and ORR,) create a much reduced requirement for advocates. After detailed and careful consideration, our review has identified disparate needs for advocates both in terms of skills required and the size and location of the pools of advocates. It is not therefore practical for the Unified List to continue in its current form. The Attorney General has agreed that the Unified List will draw to a close at the expiry of the current appointments on 31st March 2012 and that the departments and agencies involved will each take forward their own arrangements to make provision for instructing advocates. I set out below the proposals for each department or agency.

HSE, EA and ORR

All consider that they have a continuing need for advocates who have specialist knowledge, experience and expertise in the regulatory work relating to health and safety and environmental law. This applies both to criminal prosecutions and to other (non criminal) enforcement such as appeals against enforcement notices. Therefore they propose to recruit a list of approximately 100 advocates to provide these services. The list would be similar to the Unified list with three separate lists (A, B and C) for different levels of work (A, B and C). HSE and ORR also propose to appoint standing counsel.

BIS

BIS considers that its needs can be met by the use of advocates on the CPS Panel. However, it also intends to appoint standing counsel to deal with its more complex work.

DWP/DH

Continuation 2

Work is underway, in principle, to move DWP/DH prosecution work to the CPS. On the assumption that this change takes place, advocates would be selected from the CPS panel in the same way as for other CPS prosecutions.

The Board has engaged with the Bar Council and the Law Society in relation to these proposals. Please contact the Chairman of the Bar Council or the President of the Law Society if you would like to see and/or comment on the draft recruitment process documents.

It is anticipated that the recruitment of the HSE/EA/ORR Regulatory List and of standing counsel for HSE/ORR and BIS will take place early in January. Details will be posted on the website of the Attorney General's Office at www.attorneygeneral.gov.uk.

Chair

Katy Shrimplin – Business Innovation & Skill (BIS)

Members of the Board of the Unified List

Alan Fox – Health & Safety Executive (HSE)

James Mack – Office of Rail Regulation (ORR)

Lal Nawbatt – Environment Agency (EA)

Tamlyn Edmonds - Department for Work Pensions / Department of Health (DWP/DH)