

8th August 2016

To all Duty Solicitors on Grimsby and Scunthorpe
Magistrates' Court Duty Schemes

Dear Duty Solicitor

Duty Solicitor Schemes

This consultation is in response to HMCTS's announcement of magistrates' court closures currently served by a Duty Solicitor Scheme.

Details of the consultation can be found here -

<https://www.gov.uk/government/consultations/proposal-on-the-provision-of-court-and-tribunal-estate-in-england-and-wales>

We have tried to keep changes to schemes to a minimum whilst taking into account the likely impact on levels of service to clients from solicitors whose offices will no longer be local to the court dealing with their matter.

This Consultation

This consultation paper comprises two sections:

Section 1 outlines the court closures and Duty Solicitor Schemes affected.

Section 2 outlines the options identified to change the Duty Solicitor Schemes affected within your local region.

We are consulting on these proposals for 6 weeks, from Monday 8th August to Monday 19th September 2016.

Responses should be sent by email to CMCrimeQuery@legalaid.gsi.gov.uk with the heading marked *North & North East Lincolnshire Consultation Response*.

Section 1 – Court Closures and Duty Solicitor Schemes affected.

In North & North East Lincolnshire, the following Magistrates' Court will be closed:

- Scunthorpe Magistrates' Court on 13th January 2017 and all criminal work will be heard at Grimsby Magistrates' Court from 3rd January 2017. This will impact on the Grimsby Magistrates' Court Duty Solicitor Scheme, as after this date cases will be dealt with at Grimsby Magistrates' Court. It is worth noting that there is no intention that Scunthorpe work will be listed separately at Grimsby; cases will be listed and heard in accordance with anticipated plea and not where the offences were committed.

All postcode sectors are mapped into at least one Duty Scheme. The changes proposed here will not affect this. However, some solicitors would no longer be eligible for additional schemes as a result of court closures.

Determining Eligibility for revised Schemes

To assist providers in determining which Scheme(s) they are eligible to join, the postcode sectors providing access to work within each scheme, which can be found here

<https://www.gov.uk/guidance/duty-solicitors-rotas-information-and-guidance>, and will be updated in accordance with this consultation.

Section 2 - Proposed Changes

1 Scunthorpe Magistrates' Court

In respect of the closure of Scunthorpe Magistrates' Court our proposal is as follows:

Option 1 – Amend the scheme boundaries for the Grimsby Magistrates' Court Duty scheme allowing Duty Solicitors who are currently members of the Scunthorpe Magistrates' Court Duty scheme to become members of the Grimsby Magistrates' Court Duty scheme from 3rd January 2017.

Option 2 – Make no change to the scheme boundaries in place at present, ie Court Duty at Scunthorpe will cease to exist after 2nd January 2017 and providers currently eligible for membership of the Grimsby Magistrates' Court Duty Scheme will continue to access duty slots on the Grimsby Court Duty rota along with any extra slots as a result of the change from 3rd January 2017.

Our preferred option is Option 1 to allow providers continued access to duty work.

In addition if you have any other suggested options that you feel we should consider, we should be grateful for your views.

Please note, subject to the outcome of this consultation, it is our intention to re-issue the affected rotas with effect from 3rd January 2017 and to include Duty Solicitor applicants who have already submitted CRM12s for membership of the affected Schemes. Please see paragraphs 6.47 – 6.49 of the 2010 Standard Crime Contract Specification.

Please ensure your final response is sent to CMCrimeQuery@legalaid.gsi.gov.uk by 5pm Monday 19th September 2016 and marked *North & North East Lincolnshire Consultation Response*. We will aim to confirm the outcome of the consultation by 3rd October 2016.

Please be aware that Standard Crime Contract Specification Part B paragraph 10.17 confirms *"Where Advice and Assistance and/or Advocacy Assistance is provided by the court Duty Solicitor acting as such under this Class of Work, all work undertaken during the court Duty Period must be submitted in a single Claim at the court Duty Solicitor rates set out in the Criminal Remuneration Regulations."*

The Regulations confirm *'Travelling hourly rates are only payable where the Duty Solicitor is called out (including being called to return) to the Court from the Office or attends on a day that is not a Business Day. Reasonable travel expenses may also be claimed where relevant.'* (Criminal Remuneration Regulations 2013, Schedule 4, 4.1).