

15th July 2016

To all Duty Solicitors on Rotherham and Sheffield
Magistrates' Court Duty Schemes
& Doncaster Court Duty Solicitors for Information

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 Friday 15th July to Friday 26th August 2016.

Section 1 – Court Closures and Duty Solicitor Schemes affected.

In South Yorkshire, the following Magistrates' Court will be closed:

- Rotherham Magistrates' Court on 30th September 2016. This will impact on the Sheffield Magistrates' Court Duty Solicitor Scheme, as after this date cases will be dealt with at Sheffield Magistrates' Court. It is worth noting that there is no intention that Rotherham work will be listed separately at Sheffield; cases will be listed and heard in accordance with anticipated plea and not where the offences were committed.

Rotherham Saturday and Bank Holiday work is currently dealt with at Doncaster Magistrates' Court. From 1st October 2016 this work will be dealt with at Sheffield Magistrates' Court. Again, it is worth noting that there is no intention that Rotherham work will be listed separately at Sheffield; 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 Rotherham Magistrates' Court

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

Option 1 – Amend the scheme boundaries for the Sheffield Magistrates' Court Duty scheme from 1st October 2016 allowing Duty Solicitors who are currently members of the Rotherham Magistrates' Court Duty scheme to become members of the Sheffield Magistrates' Court Duty scheme. This will allow access to all work, including Saturday and Bank Holiday work.

Option 2 – Make no change to the scheme boundaries in place at present, ie Court Duty at Rotherham will cease to exist from 1st October 2016 and providers currently eligible for membership of the Sheffield Magistrates' Court Duty Scheme will continue to access duty slots on the Sheffield Court Duty rota along with any extra slots as a result of the change.

The number of Duty Solicitors on rota at Sheffield may be reviewed as a result of the move of Rotherham work to Sheffield. The number of Duty Solicitors on Saturday and Bank Holiday rotas at Doncaster may be reviewed as a result of the move of Rotherham work to Sheffield.

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 1st October 2016 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.