

legal aid – fair access to justice

**North West Regional Office**  
5<sup>th</sup> Floor, Boulton House  
17-21 Chorlton Street  
Manchester M1 3HY

To: All Firms with Duty Solicitors on  
the Bury, Rochdale/Middleton and  
Manchester Schemes

Date: 3<sup>rd</sup> March, 2017

Dear Duty Solicitor,

### **Response to Consultation – Duty Solicitor Scheme**

This letter is the Legal Aid Agency's response to the consultation in respect of changes proposed to Duty Solicitor Schemes in the North West as a result of the closure of Bury Magistrates' Court.

#### **Background**

The consultation ran for 6 weeks from 16<sup>th</sup> January, 2017 and closed on 27<sup>th</sup> February, 2017.

The proposals outlined in the consultation attempted 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, alongside maintaining fair and reasonable access to Duty Solicitor work for all firms whose offices are located within the affected Scheme boundaries.

In the event that you have any queries regarding the contents of this response, please address the same to [Dominic.Geelan@legalaid.gsi.gov.uk](mailto:Dominic.Geelan@legalaid.gsi.gov.uk)

#### **Summary of Responses**

A total of 4 responses to the consultation on proposed changes to the Duty Solicitor Schemes in the North West as a result of the closure of Bury Magistrates' Court were received.

All responses were from firms whose Duty Solicitors are members of the affected Schemes.

All four respondents supported the proposal made in option 2 by the Legal Aid Agency. No other substantive options were suggested.

One respondent, however, also recommended that the current arrangements for the Middleton/Rochdale and Bury Police Station rotas should continue:

*"I therefore propose that for Police station duty work, the Rochdale scheme and the Bury scheme remain separate from each other and both are separate from Manchester, whilst both schemes merge with Manchester in respect of the Court Duty scheme..."*

## **Decision**

After careful consideration of the responses received, the Legal Aid Agency has decided to proceed with the changes as proposed in option 2. As such the membership of the Bury and Manchester Magistrates' Court Duty Schemes will be merged and the new Scheme boundary will encompass all postcodes currently allocated to those Schemes. The current arrangements for the Police Station Duty Schemes for Manchester, Bury and Rochdale/ Middleton will remain unchanged.

All postcode sectors are mapped into at least one Duty Scheme. The changes detailed here will not affect this.

In reaching this decision, consideration has been given to the needs of clients to receive the assistance of a Duty Solicitor in a timely manner and the requirements placed upon Duty Solicitors under the 2010 Standard Crime Contract to attend at the Police Station within 45 minutes, where required.

The Legal Aid Agency considers that clients should continue to have the choice to instruct a Solicitor of their choosing, and that the client's ability to instruct a solicitor from their local area will not be affected by this decision.

We have also considered the impact of any ongoing representation of the client at Court where a client is charged with an offence; and HMCTS have indicated that the work will be dealt with at Manchester Magistrates' Court. However, the implementation of the Single Justice Area with effect from September 2016 will mean that cases will not be listed on a strict geographical basis and the Court will not list cases from Bury on separate days or in separate courtrooms.

As the work from Bury Magistrates Court will be undertaken at Manchester Magistrates' Court, an increase in the volume of cases dealt with at the Court is to be expected. However, after careful consideration, we have decided that no increase to the number of Duty Solicitors on duty each day at Manchester Magistrates' Court will be required. The present arrangements will, therefore, continue unaltered.

## **Next Steps**

The Scheme boundaries will be merged with effect from 24<sup>th</sup> March, 2017 and will create a new Scheme. 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 decision.

