



Asiantaeth Cymorth
Cyfreithiol

Legal Aid
Agency

Introduction and Background

Duty Solicitor Schemes

This document is a response to the consultation issued in June 2017 following a request by HMCTS to merge the two court duty schemes to reflect court provision in the North East Wales Local Justice Area.

Details of the consultation can be found here -

<https://www.gov.uk/government/publications/duty-solicitor-scheme-boundary-consultations>

The consultation ran from 09/06/17 to 30/6/17. Responses received after the closing date have been taken into consideration.

The Consultation

The consultation paper comprised of two sections:

Section 1 outlined the Duty Solicitor Schemes affected by the request to merge the rotas.

Section 2 outlined the options identified to change the Duty Solicitor Schemes affected within this region.

Section 1 – Duty Solicitor Schemes affected.

- We have received a request from HMCTS to merge the court rotas in Mold and Wrexham in order to facilitate the efficient running of the court service in the North East Wales Local Justice Area.

As a result of this, we need to revise the following schemes:

- Mold & Hawarden Duty Scheme
- Wrexham Duty Scheme

Section 2 – Proposed revisions to schemes in Mold & Hawarden and Wrexham

The Proposed Changes Were:

As a result of the request from HMCTS, it was proposed to replace the current Mold & Hawarden and Wrexham schemes with one scheme.

Option 1 was:

To support this listing pattern, we proposed that the Mold & Hawarden and Wrexham court duty rotas were merged so that duty slots for the court are shared across all providers that qualify for the two schemes.

As part of the option, it was proposed that the Mold and Wrexham police station rotas would remain separate meaning that police station duty qualification would remain as currently set.

Option 2 was:

To support this listing pattern, we proposed that the Mold & Hawarden and Wrexham duty schemes were merged both for court duty work and police station matters.

Option 3 was:

No change to the existing arrangements and duty scheme eligibility would remain as currently set with separate schemes in Mold & Hawarden and Wrexham.

Respondents were invited to comment on these proposals and changes would be made in accordance with the majority preference. A non-response was deemed an acceptance of no change to the existing schemes.

Responses to Consultation

Five providers responded to the consultation.

One response supported option 2, namely the merger of both court and police station schemes. The reason for this being that the court bench has been merged for some time and cases are routinely dealt with in both the courts and Wrexham police station from both schemes already.

Four providers supported option 3, namely no change to the current schemes. No response was received from the remaining four providers so these have also been deemed acceptance of no change in line with the consultation proposal.

Responses in support of not changing the existing schemes included:

A merger could lead to potential difficulties for smaller providers covering a busier scheme in Wrexham.

A merger would lead to increased travel and travel time which for court duty work would be unremunerated. It could also increase travel for defendants if attendances were required at a solicitor's office during a case and they had been represented by court duty from a different county.

A court rota merger could lead to difficulties listing trials in Mold if Mold solicitors were also covering court duty in Wrexham.

A court rota merger could lead to a clash on the busiest court day in Wrexham on a Wednesday when the Youth court also sits in Mold on the same day.

A police station merger could cause delays at the police station particularly for Wrexham solicitors dealing with Mold arrests which are taken to St Asaph police station due to the distance and time travelling to St Asaph.

Option to Be Taken Forward and Next Steps

Option 3 is to be taken forward and there will be no change to the current schemes. These service the current requirements of the courts and police stations and are supported by the majority of the members.