

**To all members of the South & East Cheshire  
(Crewe/Nantwich/Macclesfield), West Cheshire (Chester) and  
North Cheshire (Warrington/Halton) Court Duty Solicitor  
Schemes**

**Introduction and Background**

**Duty Solicitor Schemes**

This consultation is in response to HMCTS's announcement in relation to changes to the listing of criminal cases across Cheshire.

Details of the consultation documents are attached.

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 changes 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 2 weeks, from 1<sup>st</sup> March 2018 to 15<sup>th</sup> March 2018.

Responses should be sent by email to [liam.courtenaywilliams@justice.gov.uk](mailto:liam.courtenaywilliams@justice.gov.uk)

**Section 1 – Court changes and Duty Solicitor Schemes affected.**

In the Cheshire CJS area, all first time overnight custody and bail cases identified as Domestic Violence will be accommodated in Chester court house:

As a result of these changes we need to revise the following schemes:

- South & East Cheshire (Crewe/Nantwich/Macclesfield) Court Duty Scheme
- West Cheshire (Chester) Court Duty Scheme
- North Cheshire (Warrington/Halton) Court Duty Scheme

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

### **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>, will be updated in accordance with this consultation.

## **Section 2 – Proposed revisions to the South & East Cheshire, West Cheshire & North Cheshire Court Duty Schemes**

### **Proposed Changes**

Where significant revisions are required, we set out 2 Options reflecting two different general approaches, with explanations where appropriate of how each of those approaches will affect the different schemes.

At the end we indicate the option we favour.

Where schemes only require minor adjustments, we set these out and invite any comments or feedback you may have on these changes.

### **Proposed changes**

As the proposed changes do not result in significant revisions we are not setting out two options and are instead inviting your comments & feedback.

As a result of the changes to listing criminal cases across Cheshire, HMCTS are to list all first-time overnight custody & bail cases flagged as Domestic Violence cases at Chester Courthouse with effect from 1<sup>st</sup> April 2018.

To support this listing pattern, we propose that the South & East Cheshire, West Cheshire and North Cheshire Court Duty rotas are amended so that duty slots for the Cheshire Domestic Violence court are shared across all providers that qualify for the 3 schemes.

It is proposed that the Chester Court Duty Rota will contain a Domestic Violence Court Column with Duty Solicitors drawn from South & East Cheshire, West Cheshire & North Cheshire Scheme areas.

All work undertaken in the court is claimable under the rates set out in the Criminal Legal Aid (Remuneration) Regulations.

There will be no change to the police station schemes in the area, meaning police station duty lists will remain as currently defined.

Respondents are invited to comment on these proposals and, if not in support of the proposal, to offer an alternative suggestion.

NB Other changes to Cheshire listings such as NGAP/GAP Courts will be reflected in the relevant rotas/slots and, as eligibility for these rotas will not change, we are not consulting on those changes