

LEGAL SERVICES COMMISSION

CRIMINAL DEFENCE SERVICE

DUTY SOLICITOR ARRANGEMENTS 2001*

*As amended 21 July 2003 ~~and~~ 30 April 2005 and 2 October 2006

1. Purpose

1.1 The Legal Services Commission shall operate two Duty Solicitor schemes as part of the Criminal Defence Service. These are:

- (a) the Police Station Duty Solicitor scheme;
- (b) the Magistrates' Court Duty Solicitor scheme.

1.2 The primary objective of these schemes is to ensure that individuals requiring Advice and Assistance (including Advocacy Assistance) at a Police Station or a magistrates' court, and who choose not, or are not able, to obtain such help from an Own Solicitor, may have access to the services of a Duty Solicitor.

1.3 These Arrangements are made by the Commission under section 3(4) of the Access to Justice Act 1999.

2. Definitions

2.1 The following terms are defined as follows:

“Accreditation” means accreditation under Parts One and Two of Stage One of the Law Society’s Criminal Litigation Accreditation Scheme.

“Accredited Representative” means an individual (including a solicitor or a barrister) whose name is included on the Police Station Register and who is accredited by a body recognised by us as competent to do so.

“Act” means the Access to Justice Act 1999.

“Advice and Assistance” means advice and assistance within the meaning of Section 13 of the Act.

“Advocacy Assistance” means Advice and Assistance by way of advocacy within the meaning of Section 13 of the Act.

“Back-up” means a system by which the Call Centre Service (when a Duty Solicitor on a Rota is unable to accept a request for Police Station Advice and Assistance) seeks to contact another Duty Solicitor.

“Busy Scheme” means a Local Scheme serving a magistrates’ court dealing with 1,250 or more defendants per annum prosecuted for non-motoring offences.

“Call Centre Service” means the telephone service established by the Commission to receive initial requests for Advice and Assistance from individuals at Police Stations.

“Call In” is a scheme in which the court Duty Solicitor is required to attend at the magistrates’ court’s request. This may operate as a Rota or a list.

“CDS” means the Criminal Defence Service established by the Commission under Section 12 of the Act.

“CDS Supplier” means an office of a firm of solicitors in respect of which it holds a General Criminal Contract or an office of the Public Defender Service.

“Commission” means the Legal Services Commission established under Section 1 of the Act and includes its Regional CDS Managers.

“CPD” means continuing professional development as defined in the Law Society Training Regulations 1990.

“Duty Solicitor” means a solicitor, or employed barrister, who is admitted to a Local Scheme under these Arrangements.

“Designated Fee Earner” is defined in Part D of the General Criminal Contract Specification.

“Less Busy Scheme” means a Local Scheme serving a magistrates’ court dealing with less than 1,250 defendants per annum prosecuted for non-motoring offences.

“Local Committee” means a Committee established by the Commission under these Arrangements for consultation about a Local Scheme.

“Local Scheme” and “Scheme” means a scheme covering one or more magistrates' courts or one or more Police Stations within a geographical area defined by us, which is usually a petty sessions area.

“Own Solicitor” means a solicitor who provides Advice and Assistance to a client other than as a Duty Solicitor.

“Panel” and “Panel Case” means an arrangement by which the Call Centre Service telephones Duty Solicitors in sequence to identify a Duty Solicitor available to provide Advice and Assistance at a Police Station.

“Police Station” means a police station or any other place where a constable is present and, except where expressly excluded by the General Criminal Contract or these Arrangements, any place where a Services Person is assisting with an investigation by Services Police.

“Police Station Register” is the list of Accredited and Probationary Representatives maintained by the Commission or the Law Society.

“Public Defender Service” means the service provided by employed lawyers, funded directly by the Commission as part of the CDS, to provide Advice and Assistance and Representation to individuals.

“Regional CDS Manager” means an employee of the Commission with responsibility for the management of the Local Schemes within the geographic area covered by a Regional Office.

“Region” has the meaning given in Schedule 1 to these Arrangements.

“Regional Director” and “Regional Office” have the meanings given in the Legal Services Commission Regional Arrangements 2000.

“Regional Committee” means the Committee appointed by the Commission for each Region for the purpose of determining appeals under these Arrangements and facilitating consultation.

“Rota” means a rota of Duty Solicitors to provide Advice and Assistance or Advocacy Assistance at magistrates’ courts and Advice and Assistance at Police Stations.

“Services Person” means a person assisting with an investigation by the Services Police.

“Services Police” means members of the Royal Navy Regulating Branch, members of the Royal Military Police, Royal Air Force Provost Officers or members of the Royal Air Force Police.

3. Regions and Local Schemes

- 3.1 For the purposes of these Arrangements, England and Wales shall be divided into the Regions which are set out in Schedule 1.
- 3.2 The Commission shall establish Local Schemes within each Region and shall identify which magistrates' courts and Police Stations will be covered by a particular scheme.
- 3.3 The Commission may change the magistrates' courts and Police Stations covered by a Local Scheme if it considers it appropriate to do so.

4. Membership of Local Schemes

- 4.1 The Commission shall determine, in accordance with these Arrangements, the membership of each Local Scheme.

Applications

- 4.2 Applications for Local Scheme membership shall be made to the appropriate Regional Office of the Commission, on a form approved by the Commission, and will be judged on the criteria set out in these Arrangements.

Competence

- 4.3 The Commission is responsible for ensuring that all members of Local Schemes are competent to undertake Duty Solicitor work.
- 4.4 An applicant for membership of a Local Scheme must provide the Commission with evidence of his or her competence to undertake Duty Solicitor work in accordance with paragraph 4.6 of these Arrangements.
- 4.5 An applicant shall have comprehensive experience of criminal defence work, including the provision of advice in the Police Station and advocacy in the Crown Court or magistrates' courts throughout the 12 months prior to the application for membership of the Local Scheme. However:
- (a) if an applicant has been in full time employment as a prosecuting solicitor, justices' clerk or in another similar position for a period of 18 months, he or she must have had comprehensive experience of criminal defence work throughout the six months immediately prior to the application;
 - (b) any interval of up to 12 months, during or at the end of the periods of experience required by this paragraph, when the applicant was absent from work due to sickness, injury, pregnancy, maternity leave or for other good reason may be disregarded.
- 4.6 An applicant shall provide evidence of competence to the Commission in one of the following ways:

For membership of a Magistrates' Court Local Scheme

- (a) Previous selection by a local duty solicitor committee as a court Duty Solicitor (in accordance with the Legal Aid Board Duty Solicitor Arrangements 2000 or a former version of those Arrangements), provided that the applicant was a court Duty Solicitor for all or part of the period from 1 January to 1 April 2001 or selected under paragraph 8.1; or
- (b) Accreditation as defined in these Arrangements and satisfaction of the criteria in paragraph 4.7.

For membership of a Police Station Local Scheme

- (c) Previous selection by a local duty solicitor committee as a Police Station Duty Solicitor (in accordance with the Legal Aid Board Duty Solicitor Arrangements 2000 or a former version of those Arrangements), provided that the applicant was a Police Station Duty Solicitor for all or part of the period from 1 January to 1 April 2001 or selected under paragraph 8.1; or
 - (d) Accreditation as defined in these Arrangements and satisfaction of the criteria in paragraph 4.7.
- 4.7 Where accredited status was achieved more than 12 months before the date of application to the Local Scheme, the applicant shall demonstrate the regular satisfactory performance of Police Station and magistrates' court work since that time.

Location - General Rules¹

Membership of a first Scheme

- 4.8 An applicant shall notify the Commission of the location of the CDS Supplier's office at which he or she is normally in attendance, i.e. at which he or she is normally based for the majority of the working week. An applicant may only notify one such office.
- 4.9 Subject to meeting the other membership criteria, an applicant is entitled to join the Police Station and magistrates' court Local Schemes covering the area in which his or her office notified in accordance with paragraph 4.8 is located. Alternatively an applicant may apply to join a Police Station Scheme and a magistrates' court Scheme other than the ones covering the area in which his or her office is located, if the Police Stations and courts covered by the alternative Schemes are more readily accessible to the applicant's office.

Membership of additional Schemes

- 4.10 The Commission may, subject to paragraph 4.19, permit an applicant to join more than one Police Station Local Scheme and more than one magistrates' court Local Scheme provided that:
- (a) in the case of a Police Station Local Scheme, the applicant can demonstrate that he or she is able to attend the Police Station within 45 minutes of receiving a call - whether in or out of normal office hours;
 - (b) for Police Station and magistrates' court Local Schemes, the applicant is located at an office of a CDS Supplier for whom he or she undertakes criminal work and that office:
 - i) for a Busy Scheme, is the office identified under paragraph 4.8 and that office is readily accessible to the court covered by the Local Scheme which the applicant wishes to join; or
 - ii) for a Less Busy Scheme, is the office identified under paragraph 4.8 or another office of the same CDS Supplier which is accessible to the court covered by the Local Scheme which the applicant wishes to join and arrangements will be made to see clients at that office.

¹ Office location in relation to the magistrates' courts and Police Stations covered by a Local Scheme is important because of the need to ensure that:

- (a) Duty Solicitors can attend the Police Stations or magistrates' courts on the Local Scheme promptly;
- (b) the majority of clients seen at a Police Station or a magistrates' court by a Duty Solicitor can easily attend that solicitor's office where any further work is necessary.

- 4.11 Where a strict application of the criteria set out in paragraphs 4.10(a) and (b) would prevent individuals wishing to receive Duty Solicitor services from doing so by restricting the membership of a particular Local Scheme to an unacceptably low level, the Commission may relax the requirements of those paragraphs in respect of applications to join a Scheme².

Special rules

- 4.12 The Commission may introduce special rules for a particular Local Scheme or Schemes which differ from the general rule where the particular local conditions of the Scheme mean that an alternative approach would be more appropriate.³
- 4.13 Where the Commission plans to introduce special rules for a Local Scheme or Schemes it shall consult the relevant Regional Committee and Local Committee or Local Committees. Details of any rules introduced will be published and made available to all affected CDS Suppliers within the area covered by the Local Scheme or Schemes. The Commission shall provide six weeks notice of the introduction of any such special rules.

CDS Supplier

- 4.14 An applicant shall be a full or part time Designated Fee Earner employed by, or a partner in, a CDS Supplier and shall notify the appropriate Regional Office of the CDS Supplier for which he or she will undertake Duty Solicitor work, i.e. which will submit claims to the Commission for the work and which will be contractually responsible for the performance of the applicant's Duty Solicitor work.

Status

- 4.15 An applicant shall hold a current practising certificate which may (in the discretion of the Commission) be conditional.
- 4.16 An applicant shall not be a special constable.
- 4.17 An applicant may not apply for Local Scheme membership during any period of suspension or exclusion from membership imposed under paragraphs 5.2 or 5.4 of these Arrangements.
- 4.18 Where:
- (a) an applicant is under investigation, faces an outstanding criminal charge or has been convicted of a criminal offence which is not treated as spent under the Rehabilitation of Offenders Act 1974; or
 - (b) an applicant has been the subject of any adverse findings by the Adjudication Committee of the Office for the Supervision of Solicitors or by the Solicitors' Disciplinary Tribunal, or where any complaint or application to either body has not been determined; or

² The circumstances in which paragraph 4.11 might apply are, for example:

- (a) where the geographical catchment areas of Police Stations and magistrates' courts may be large and where there may be relatively low numbers of solicitors; or
- (b) where the Police Stations at which individuals are held are at some distance from where they were arrested and from the magistrates' court at which any hearing may take place.

³ The circumstances in which paragraph 4.12 might apply are, for example, where there may be a large number of different Schemes in relatively close proximity to each other and a large number of CDS Suppliers with offices reasonably accessible to the Police Stations and courts within all, or a number of, those Schemes.

- (c) some other good reason arises which makes an applicant's scheme membership incompatible with the standards expected of a Duty Solicitor,

the Commission may refuse the application, provided that it gives the applicant written reasons for its decision.

General requirement

- 4.19 The Commission shall normally require Duty Solicitors to serve on both the Local Police Station and Local magistrates' court Schemes.

Approval of applications

- 4.20 Where an application for Local Scheme membership is approved by the Commission, it shall notify the applicant within 30 days of the date of receipt of the application.

Refusal of applications

- 4.21 If the Commission refuses the application it shall notify the applicant and provide a statement of reasons for the decision within 30 days of receipt of the application.
- 4.22 Any applicant whose application is refused under paragraph 4.21 may appeal to the Regional Committee in accordance with Section 7 of these Arrangements.
- 4.23 There is no right of appeal to the Commission against a refusal, revocation or suspension of Accreditation by the Law Society. Such appeals should be directed to the relevant Accreditation assessment organisation or to the Law Society.

5. Continued Membership of Local Schemes

- 5.1 Continued membership of a Local Scheme is dependent on a Duty Solicitor:
 - (a) undertaking at least two hours CPD annually on issues relevant to the law, practice and procedure in the Police Station or magistrates' courts;
 - (b) undertaking personally a number equivalent to the majority of:
 - i) Court Duty Solicitor Rota turns allocated to that solicitor; and
 - ii) Police Station Duty Solicitor slots allocated; and
 - (c) continuing to undertake criminal defence work generally and Duty Solicitor work in particular as evidenced by accepting at least 12 Police Station Duty Solicitor or Own Solicitor cases annually involving attendance at the Police Station or, where fewer than this number of cases are offered, all cases so offered (or a number equivalent to those offered).
- 5.2 The Commission shall have power to suspend for a period of up to 12 months or remove a Duty Solicitor from the Local Scheme or Schemes of which he or she is a member if he or she fails to meet any of the criteria in paragraph 5.1 in relation to a Scheme. On suspension, the Commission may impose conditions which must be met before the Duty Solicitor resumes his or her membership of the relevant Scheme or Schemes.
- 5.3 The Commission shall not suspend or remove a Duty Solicitor from membership of a Local Scheme or Schemes where any of the criteria in paragraph 5.1 are not met because of an absence from work of up to 12 months due to sickness, injury, pregnancy, maternity leave or for other good reason.

- 5.4 The Commission may also suspend or remove a Duty Solicitor from a Local Scheme or Schemes where in relation to a Scheme he or she:
- (a) unreasonably failed to attend a Police Station when he or she should have done so;
 - (b) sent a representative to the Police Station when he or she should have attended personally;
 - (c) failed to accept a reasonable number of Panel calls;
 - (d) failed to accept Rota cases;
 - (e) unreasonably failed to carry out a duty or duties or failed to comply with the requirements set out in these Arrangements including local instructions drawn up under paragraphs 6.12 to 6.14 or any contract between the Commission and the CDS Supplier;
 - (f) is under investigation, faces an outstanding criminal charge or has been convicted of a criminal offence or is the subject of an investigation by the Office for the Supervision of Solicitors;
 - (g) does not demonstrate the level of competence required for Accreditation or Accreditation has been suspended or revoked;
 - (h) no longer complies with the “location” rules set out in paragraphs 4.8 to 4.13;
 - (i) is no longer a Designated Fee Earner with a CDS Supplier;
 - (j) does not comply with, and the Commission has not waived, the requirement in paragraph 4.19; or
 - (k) some other good reason arises which makes his or her continuing scheme membership incompatible with the standards expected of a Duty Solicitor.
- 5.5 Where a Duty Solicitor is suspended from membership of a Local Scheme under paragraphs 5.2 or 5.4 and is unable to fulfil any conditions imposed under paragraph 5.2, he or she may apply to the Commission in writing for restoration to the Scheme or Schemes concerned once the suspension period has expired.
- 5.6 Where a Duty Solicitor is removed from a Scheme under paragraph 5.4, a fresh application for Scheme membership will be considered against all of the criteria in Section 4 of these Arrangements. The reasons for the applicant’s removal may be a factor considered by the Commission under paragraph 4.18 (c) of these Arrangements.
- 5.7 A Duty Solicitor who has been suspended or removed under this Section may appeal to the Regional Committee in accordance with the provisions of Section 7 of these Arrangements.
- 5.8 The Commission shall postpone a suspension or removal until any appeal is heard unless it considers that there is good reason for suspending or removing the Duty Solicitor prior to the appeal hearing which shall be notified to the appellant.
- 5.9 Where the Commission is considering suspension or removal it must notify the Duty Solicitor of its reasons in writing and must offer him or her the opportunity to make written representations which must be submitted within 14 days of the date of notification. Where the Commission is considering suspension or removal under paragraphs 5.4 (e), (f), (g), (i) (j) or (k) it may suspend or remove immediately if it considers it necessary to do so.

Changes in circumstances

- 5.10 It is the responsibility of a Duty Solicitor, and the CDS Supplier for which he or she acts as a Duty Solicitor, to notify the Commission immediately in any of the following circumstances:
- (a) if the Duty Solicitor leaves the CDS Supplier in which he or she is employed as a Duty Solicitor;
 - (b) if the Duty Solicitor's practising address changes;
 - (c) if the Duty Solicitor is no longer able to comply with any of the qualifying or continuing membership criteria (set out in Sections 4 and 5 of these Arrangements);
 - (d) if the Duty Solicitor wishes voluntarily to withdraw from a Scheme or Schemes in accordance with paragraph 6.10 of these Arrangements;
 - (e) on resignation from a Local Scheme, giving at least one month's notice;
 - (f) if he or she is under investigation for or is charged with a criminal offence;
 - (g) if any proceedings have been instituted before the Adjudication Committee of the Office for the Supervision of Solicitors or by the Solicitors' Disciplinary Tribunal; or
 - (h) if the Adjudication Committee of the Office for the Supervision of Solicitors or the Solicitors' Disciplinary Tribunal has made an adverse finding.

6. Management of Local Schemes

- 6.1 The Commission shall manage each Local Scheme. Generally, responsibility for management will lie with the Regional CDS Manager in the Commission's Regional Office which covers the area in which the Local Scheme operates.

Rotas, Panels and Call Ins

- 6.2 The Commission shall decide:
- (a) in consultation with the appropriate magistrates' courts, whether there should be attendance or Call In (whether by Rota or list) cover, or a combination of both, for each magistrates' court Local Scheme;
 - (b) whether there should be Rota or Panel cover, or a combination of both, for each Police Station Local Scheme,

and the times during which such arrangements shall be in operation. In both instances the Commission shall also consult with the relevant Regional Committees and with CDS Suppliers through any local consultation mechanism established under paragraph 7.23 of these Arrangements.

Scheme Lists

- 6.3 For each Local Scheme the Commission shall maintain a list of slots. CDS Suppliers will be allocated one slot on the Local Scheme list for every Duty Solicitor employed by that CDS Supplier who is a member of that Scheme.
- 6.4 Rota, Panel and Call In Schemes will be based on the Local Scheme lists. Rota slots will be allocated to CDS Suppliers in accordance with the slots on the Local Scheme list.

Rotas

- 6.5 The Commission shall determine the number of Duty Solicitors to deploy at any one time in consultation with the relevant magistrates' courts, Police Stations, relevant Regional Committees and with Scheme members through any local consultation mechanism established under paragraph 7.24 of these Arrangements, and may determine that Duty Solicitors should be available or extra Duty Solicitors made available to respond to unusual demands.
- 6.6 The Commission shall normally produce Rotas covering a minimum period of three months, and a maximum of six months, and shall normally issue such Rotas one month before the start date.
- 6.7 Duty Solicitors who are new to a particular Scheme will be added to the Local Scheme list as soon as possible.
- 6.8 Copies of any Rota (or list for a Call In Scheme) will be sent, as appropriate, to the court, the Call Centre Service and each CDS Supplier with a Duty Solicitor on the Rota.

Voluntary or permanent withdrawal from Schemes

- 6.9 It is the responsibility of both the Duty Solicitor and the CDS Supplier for which he or she undertakes Duty Solicitor work to ensure that the Commission is notified that a Duty Solicitor wishes to leave a Local Scheme.
- 6.10 A Duty Solicitor may notify the Commission that he or she wishes to withdraw voluntarily from a Local Scheme for a period of up to three months but may only do so once within a period of 12 months. Where this is the case the Duty Solicitor will be restored to the Scheme automatically at the end of the withdrawal period. The three month withdrawal period may be extended provided that the Duty Solicitor still complies with the Accreditation and other membership requirements.

Client awareness

- 6.11 The Commission shall take steps to ensure that potential clients are made aware of the availability of the Duty Solicitor at Police Stations and magistrates' courts.

Local Instructions

- 6.12 The Commission may draw up local instructions which set out how the Duty Solicitor service is to be provided at particular Police Stations or magistrates' courts.
- 6.13 Local instructions may also set out arrangements agreed with other criminal justice agencies to improve the overall effectiveness of the criminal justice system locally. CDS Suppliers with Duty Solicitors on the Local Scheme will be consulted using the arrangements in paragraph 7.24 before such instructions are introduced or amended. The Regional Committee may also be consulted.
- 6.14 Where local instructions are drawn up, Duty Solicitors on the relevant Scheme or Schemes shall comply with them.

Duty Solicitor Service

- 6.15 If it is not possible for any Duty Solicitor to provide service on a Local Scheme the Commission may make alternative arrangements for such service to be provided.

Services cases

- 6.16 The Commission may introduce a special Panel for cases where Services personnel require Advice and Assistance and Advocacy Assistance.

7. Committees, Appeals and Consultation

Regional Committees

- 7.1 The Commission shall establish one or more Regional Committees for each of the Regions set out in Schedule 1. The area covered by a Regional Committee may be amended by the Commission in consultation with the relevant Regional Committee. The role of a Regional Committee is to:
- (a) consider appeals in accordance with these Arrangements; and
 - (b) facilitate consultation and communication between the members of Local Schemes, the Commission and other criminal justice agencies affected by the operation of Duty Solicitor services.
- 7.2 The members of each Regional Committee shall be such as the Regional Committee shall from time to time appoint and will normally be the following:
- (a) at least one Duty Solicitor from each of the Local Schemes falling within the Region covered by the Regional Committee who shall normally be a member of any Local Committee in the Region or other local liaison group established by the Commission under paragraph 7.24;
 - (b) one or more Justices of the Peace, nominated by the Magistrates' Association;
 - (c) one or more Justices' Clerks, nominated by the Justices' Clerks' Society;
 - (d) one or more representatives of the police force or forces in the Region, nominated by the chief officer(s) of police;
 - (e) one or more lay members who shall, prior to appointment, be interviewed by the chair or vice chair of the Regional Committee to ascertain the applicant's understanding of the role and suitability for membership (members of court staff are ineligible for appointment under this sub-paragraph);
 - (f) one or more representatives of the probation service or services in the Region, nominated by that service or those services;
 - (g) one or more representatives of the Crown Prosecution Service in the Region, nominated by that service;
 - (h) a district judge (magistrates' court); and
 - (i) such other members as the Committee decides to appoint.
- 7.3 The members of a Regional Committee shall not be fewer than 10 nor more than 35. The majority of members shall be solicitors appointed under paragraph 7.2 (a) above.
- 7.4 Each member shall be appointed for a term of up to three years and may be appointed for successive periods not exceeding three years, provided that the total period of service shall not exceed ten years, until he or she attains the age of 70. A member shall be reappointed only if he or she has attended at least half of all the meetings which were held during his or her membership unless there are special circumstances to permit reappointment despite a lower level of attendance.
- 7.5 A member of a Regional Committee may resign by giving notice in writing to the appropriate Regional Office. Any vacancy on a Regional Committee so arising shall be filled in accordance with the provisions in this Section.

- 7.6 A member of the Regional Committee shall be disqualified from membership if:
- (a) a receiving order in bankruptcy is made against him or her;
 - (b) he or she becomes a patient within the meaning of the Mental Health Act 1983;
 - (c) he or she fails to attend meetings without leave of the Committee for six months;
 - (d) he or she ceases to be a nominee of any body or organisation he or she was nominated to represent; or
 - (e) there is some other good reason to disqualify him or her.
- 7.7 The Committee shall at the first meeting after its appointment and then annually elect a member to act as chair of the Committee and another to act as vice chair. A chair or vice chair shall be eligible for reappointment at the expiration of such period provided that no chair or vice chair shall hold office for more than three years.
- 7.8 A Regional Committee may appoint a sub-committee of at least three members to whom it may delegate all decisions excluding appeals, provided that the full Regional Committee shall meet at least twice a year. A sub-committee shall consist of at least one Duty Solicitor and one lay member.
- 7.9 A Regional Committee or its chair may appoint a sub-committee of at least three members appointed under 7.2 (a) or (e) (provided that there are at least two members appointed under 7.2 (a)) to whom it may delegate the determination of appeals.
- 7.10 A quorum shall consist of not less than one third of the members of the committee or sub-committee and in any event shall consist of a minimum of two members.
- 7.11 A Regional Committee or a sub-committee shall keep minutes of its proceedings and such minutes shall be signed by the Chair.
- 7.12 The ruling of the chair of a Regional Committee or a sub-committee shall be final on any matter of procedure arising at a meeting.

Appeals

- 7.13 The following decisions of the Commission under these Arrangements may be the subject of appeal by an applicant for membership of a Local Scheme or by a Duty Solicitor:
- (a) a decision to refuse an applicant membership of a Local Scheme under Section 4 of these Arrangements;
 - (b) a decision to remove or suspend a Duty Solicitor from a Local Scheme under paragraphs 5.2 or 5.4;
 - (c) a decision to refuse to register a police station representative under paragraph 2.2 or 2.9 of the Police Station Register Arrangements 2001;
 - (d) a decision to suspend or remove a police station representative under paragraph 6.4 of the Police Station Register Arrangements 2001;
 - (e) a decision to suspend a solicitor from acting as a supervising solicitor for probationary representatives under Part B, Rule 3.3 of the General Criminal Contract Specification.
- 7.14 All appeals shall be made in writing within 30 days of receipt of the decision against which the appeal is to be made, subject to the Regional Committee having discretion to accept an appeal outside that period for good reason. The appellant shall submit written representations when giving notice of appeal. The Commission's staff may obtain and provide information relating to the appeal provided that the appellant receives a copy.

- 7.15 On receipt of an appeal under paragraph 7.13 the Commission may reconsider its decision, but if it decides not to do so it shall refer the matter to the Regional Committee or to another Regional Committee if no suitable members of the Regional Committee are available to consider the appeal.
- 7.16 The Regional Committee will normally consider appeals at the latest within three months of the date on which the appeal was received. The appellant shall have the right to make oral representations and the Committee may, in any event, require personal appearance. The Commission may also be represented at the appeal.
- 7.17 If oral representations or written representations subsequently submitted include matters not mentioned in the written representations referred to in paragraph 7.14 above, the Regional Committee has a discretion not to consider such additional matters unless the appellant has given 14 days notice to the Commission's staff and the Regional Committee.
- 7.18 The Regional Committee shall consider the application afresh in accordance with the relevant criteria in these Arrangements using the most current guidance available and the decision of the Regional Committee will replace the decision of the Commission.
- 7.19 A Duty Solicitor member of the Regional Committee who is a member of the Local Scheme to which the appeal relates shall not participate in the hearing and determination of such appeal.
- 7.20 The Regional Committee may exclude the appellant from any other Scheme or Schemes on the basis of its appeal findings and shall provide reasons for doing so.
- 7.21 The Regional Committee may allow an appeal subject to such conditions as it considers appropriate.
- 7.22 Appellants will be notified of the decision of the Regional Committee in writing. The Regional Committee shall provide reasons for its decision.

Local Committees

- 7.23 The Commission will use its best endeavours to establish arrangements for consulting and discussing the operation of a Local Scheme with representatives of that Scheme.
- 7.24 This may be achieved through the establishment of:
- (a) a Local Committee, membership of which shall be open to:
 - i) one representative from each CDS Supplier with a member on the Local Scheme;
 - ii) a representative of the Justices' Clerk of each magistrates' court covered by the Scheme;
 - iii) a Justice of the Peace;
 - iv) a representative of the police force covering the area concerned;
 - v) a nominee of the Local Law Society;
 - vi) one or more lay members; and
 - vii) such other members as the Local Committee decides to appoint; or
 - (b) liaison arrangements with the criminal law sub-committee, or equivalent, of the Local Law Society; or

(c) such other local arrangements as appear effective to the Commission.

- 7.25 Where the Commission considers that a Local Committee established under paragraph 7.24 (a) above would be too large to facilitate effective consultation and liaison and having consulted all CDS Suppliers with a Duty Solicitor on the Local Scheme as to whether they all wish to be represented it may restrict the number of representatives under paragraph 7.24 (a)(i) to a maximum of 10 in which case those appointments shall be made by the Commission after inviting nominations from all firms.

Committee Fees

- 7.26 There shall be paid to any Regional Committee members attending meetings under these Arrangements such fees and such travelling and other proper expenses and subsistence allowances as the Lord Chancellor may from time to time authorise.

8. Transitional Arrangements

- 8.1 Applications by solicitors wishing to become Duty Solicitors made before 1 February 2001 shall be determined under the provisions of the Duty Solicitor Arrangements 2000 (as amended). Any application not determined by a local committee by 1 April 2001 shall be referred to the relevant regional committee appointed either under the Duty Solicitor Arrangements 2000 or under these Arrangements. Any appeal to or review by the Duty Solicitor Committee shall, after 2 April 2001, be undertaken by a committee drawn from members of regional committees appointed either under the Duty Solicitor Arrangements 2000 or these Arrangements. No appeal or review may be considered under the Duty Solicitor Arrangements 2000 (as amended) after 30 September 2002.

Schedule 1

Duty Solicitor regions defined by Counties, unitary authorities and Metropolitan Borough Councils.

London South

Bexley
Bromley
Croydon
Greenwich
Hounslow
Kingston upon Thames
Lambeth
Lewisham
Merton
Richmond upon Thames
Southwark
Sutton
Wandsworth

London East

Barking & Dagenham
Camden
Hackney
Havering
Islington
London City
Newham
Redbridge
Tower Hamlets
Waltham Forest

London West

Barnet
Brent
Ealing
Enfield
Hammersmith & Fulham
Haringey
Harrow
Hillingdon
Kensington & Chelsea
Westminster

South Eastern

Brighton
East Sussex
Kent
Medway Towns
Surrey
West Sussex

Southern A

Bracknell Forest
Buckinghamshire
Milton Keynes
Newbury
Oxfordshire
Reading
Slough
Windsor & Maidenhead
Wokingham

Southern B

Hampshire
Isle of Wight
Portsmouth
Southampton

South Western A

Cornwall
Devon
Plymouth
Somerset
Torbay

South Western B

Bath & N. E. Somerset
Bournemouth
Bristol
Dorset
Gloucestershire
North Somerset
Poole
Somerset
South Gloucestershire
Swindon
Wiltshire

South Wales

Blaenau Gwent
Bridgend
Caerphilly
Cardiff
Carmarthenshire
Ceredigion
Merthyr Tydfil

Monmouthshire
Neath Port Talbot
Newport
Pembrokeshire
Powys
Rhondda Cynon Taff
Swansea City
Torfaen
Vale of Glamorgan

North Wales

Conwy
Denbighshire
Flintshire
Gwynedd
Isle of Anglesey
Powys
Wrexham

West Midlands A

Herefordshire
Shropshire
Telford & Wrekin
Warwickshire
Worcestershire

West Midlands B

Birmingham
Coventry
Dudley
Sandwell
Solihull
Walsall
Wolverhampton

West Midlands C

Staffordshire
Stoke on Trent

East Midlands A

Derby
Derbyshire
Lincolnshire
Nottingham
Nottinghamshire

East Midlands B

Leicester
Leicestershire
Northamptonshire
Rutland

Eastern A

Bedfordshire
Cambridgeshire
Luton
Norfolk
Peterborough
Suffolk

Eastern B

Essex
Hertfordshire
Southend
Thurrock

North Western A

Bolton
Bury
Cheshire
Halton
Manchester
Oldham
Rochdale
Salford
Stockport
Tameside
Trafford
Warrington
Wigan

North Western B

Blackburn with Darwen
Blackpool
Cumbria
Lancashire

North Eastern A

Gateshead
Newcastle-upon-Tyne
North Tyneside
Northumberland
South Tyneside
Sunderland

North Eastern B

Darlington
Durham
Hartlepool
Middlesbrough
Redcar & Cleveland
Stockton on Tees

Yorkshire & Humberside A

Bradford
Calderdale
Kirklees
Leeds
North Yorkshire
Wakefield
York

Yorkshire & Humberside B

Barnsley
Doncaster
East Riding of Yorkshire
Kingston upon Hull
North East Lincolnshire
North Lincolnshire
Rotherham
Sheffield

Merseyside

Knowsley
Liverpool
Sefton
St. Helens
Wirral