



Criminal legal assistance

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24 January 2012

Dear Madam/Sir

COURT DUTY PLANS 20012/13

We are now preparing new court plans for all sheriff and JP courts to commence on 1 April 2012. If you wish to apply for inclusion in a plan you should complete and return the accompanying form, to reach us no later than **15 February 2012**.

Applications for annual court duty plans for the year 1 April 2012 to 31 March 2013 are now being invited for all areas, including Glasgow where we are moving from the previous 3 year rolling plan to an annual plan.

As a result of last year's review of the court duty scheme, some changes have been made to the eligibility criteria, and court duty allocations will now be made to firms as opposed to individual solicitors to allow more flexibility. Allocations to firms will be made on the basis of the number of eligible solicitors in the firm. These changes were introduced last year in the new Police Station Duty Plans and have been operating well. Some local faculties already have an agreement whereby the duty allocation is split equally between firms regardless of their size. Whilst we are happy for this to continue we will still require an application form from each individual.

Applications are being invited for the Court duty plans only at this stage. Separate arrangements are in place for the Police Station Duty Plans, but as both plans will be the same in many areas, we will be moving to a joint application process in future. Although applications are invited for the court duty plans 2012/2013 to run from April 2012, the actual plans will be issued in instalments throughout the year to allow ongoing monitoring of the allocations made to the PDSO to ensure that the appropriate savings result from these allocations.

To be eligible for inclusion on the court duty plans, you must

- hold a practising certificate with no restriction affecting your entitlement to undertake legal aid work as at the closing date for applications
- have been accepted onto the Criminal Legal Assistance Register.
- have a place of business within the sheriff court or JP court area for which the duty plan is being prepared and conduct the majority of your business within that court
- be a regular, competent and knowledgeable criminal practitioner and be able to demonstrate that you practice in the criminal courts in a significant way; have regimes in place to keep abreast of developments in criminal law, procedure and practice; and meet the requirements of the quality assurance and compliance schemes.

The full eligibility criteria are included with this letter. Newly qualified solicitors are now able to apply as long as they meet the criteria above, as we have now removed the need for them to wait a year and then complete 1 year in the JP court before becoming eligible for inclusion on a sheriff court plan. Firms will remain responsible for ensuring that newly qualified solicitors receive adequate training and support to provide duty solicitor services. Second year trainees are not able to apply as they cannot provide criminal legal aid under the duty scheme.

It is the Board's responsibility to operate the duty schemes. While we cannot accept any changes to the basic eligibility criteria which limit the ability of experienced solicitors to apply for inclusion on the plans, we recognise the value and importance of engaging with local faculties. We still propose to tailor local schemes to reflect particular local circumstances where this is appropriate, such as:

- How a duty period is delegated to someone else if the duty solicitor is unavailable;
- When the alternate duty solicitor is required (usually the next person on the list)
- The exact starting time of a period of duty;

Glasgow duty plan

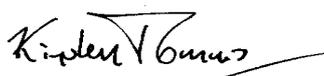
In previous years the Glasgow duty plan has been drafted on a 3 year cycle and there was no need for individual solicitors to re-apply as applications were carried forward each year. We now intend to change this so it is in line with other areas, so if you wish to be included on the Glasgow duty plan you **MUST** complete the enclosed application form. It our intention to simplify how the Glasgow plan is drafted and this will be done in consultation with the Glasgow Bar Association.

An application form is attached. The completed form must be accompanied by a copy of the applicant's practising certificate. If you apply to be included on more that one plan, we reserve the right to select in which plan, if any, to include you, without recourse to you. You should therefore state any preference clearly on the application form. We will acknowledge all applications on the date of receipt or as soon as possible after that date. Please ensure all questions are answered fully and accurately, incomplete forms will not be accepted and may result in your application being rejected. For the avoidance of doubt if you are currently on a waiting list or have recently completed an application form for the court duty plan you must complete a fresh application form, all previous forms will be disregarded.

Please submit your application as soon as possible to avoid last minute difficulties.

A copy of this letter, the application form and the eligibility criteria are also available on the Board's Internet site (www.slab.org.uk).

Yours sincerely



Kingsley Thomas
Manager, Criminal Legal Assistance