

**Response of the Birmingham Law Society to the Legal Services  
Commission Consultation on Eligibility Rules for Membership of Duty  
Solicitor Schemes and Local Scheme Boundaries**

The Birmingham Law Society has solicitors in several of the areas covered by the consultation document. However, given the concentration of our members we limit our response as follows.

It appears to us that these proposals are, in reality, designed to dovetail with the proposals of the Legal Services' Commission ('LSC') on best value tendering ('BVT'). Given the uncertainties with BVT, both as to whether any such scheme will be implemented at all and, if so, under what terms, it seems to us to be premature to alter related aspects of legal aid funded work. We recommend that no alterations be made to the duty solicitor schemes until the whole issue of BVT is resolved. Then would be the time for this consultation.

If this consultation is to be proceeded with, then we make no representations with regard to the Solihull Scheme.

Again, if this consultation is to be proceeded with, then, with regard to the Sutton Coldfield Scheme we believe that the interests of the suspects at police stations, as well as the solicitors themselves, are best served by retaining the status quo, save that we see no reason for allowing any one solicitor to be a member of more than one scheme.

The nature of post codes is arbitrary. It would mean that two firms of solicitors, in different post code areas, could find themselves allocated to different duty solicitor schemes irrespective of their proximity to local police stations or courts. For example, anyone in the B66 2 postcode area would be closer to Birmingham Magistrates' Court than anyone within the B21 6 post code area. Yet, according to these proposals, the latter would be a member of the Birmingham scheme but the former would not. Any scheme needs to have sufficient flexibility to allow solicitors to choose which one scheme they want to be on.

The proposals also give no flexibility with regard to what courts local police stations send their prisoners to. For example, adults currently charged at Kings Heath police station, in Birmingham, currently have their cases dealt with at Solihull Magistrates' Court. Solicitors located close to Kings Heath police station should have the choice of being on either the Birmingham or Solihull duty solicitor schemes.

We would also make the following point, with regard to duty solicitor schemes: There are areas of the Country which has a shortfall of duty solicitors and there are areas where the LSC believes there are more than required. In those areas where the LSC believes there are more duty solicitors than are required, we see no point in having a scheme which encourages new entrants. It would not be too difficult to devise a scheme which encouraged new entrants, where appropriate and discouraged them where it was not.