

**COURT AND POLICE STATION DUTY SOLICITOR 2024 AUTUMN UPDATE –**  
**THURSDAY 31<sup>ST</sup> OCTOBER 2024**

As you know, there is a professional duty to keep up-to-date.

I quote from your Standard Crime Contract:

**Paragraph 6.22 (a) – meeting any professional development requirements of your Relevant Professional Body on issues relevant to the Law, Practice and Procedure in the Police Station and Magistrates' Courts**

This 1-hour zoom presentation will take you through a list of **20 Things** of which you should be aware

**20 THINGS**

1 – **The 2022 Standard Crime Contract Specification** document – of particular relevance, **Sections 6**, (Duty Solicitor Provisions) **9** (Police Station Work) and **10** (Magistrates' Court Work)

2 – The clients upon whom you **SHOULD BE** attending when acting as the Court Duty Solicitor and those clients who are **NOT COVERED** by the scheme

3 – The position during the week and the position on non-business days where you are asked to attend as **Duty Solicitor** upon a person who has instructed their own lawyers

4 – **Statutory Instrument 2022 No. 848** – the payment rates for the work that you do as a **Duty Solicitor** including the **Enhanced Rates** when dealing with **Serious Offences** at the Police Station

5 – Disclosure of information to you prior to the interview – what does **Case-law** say and what do the **Codes of Practice** say about all of this?

6 – Statutory Declarations and re-openings – the law and the **Criminal Procedure Rules 2020 (as amended)** – in particular, **Rule 44**

7 – What to do for the best at that 1<sup>st</sup> hearing – enter guilty pleas and be **COMMITTED FOR SENTENCE** under **Section 14** of the **Sentencing Act 2020** or keep your powder dry and be **SENT** under **Section 51** of the **Crime and Disorder Act 1998** – analysis of this thorny and complex dilemma!

8 – What to do for the best when completing the **PET FORM** and the client informs you that he has no defence and yet will not enter a 'guilty plea' today

9 – What to do for the best when the client tells you he has a full defence but insists on pleading **GUILTY** in Court today and wants you to represent him as the **Court Duty Solicitor**

10 – **Road Traffic Offences** – be aware of the relatively recent **Guidelines** published by the **Sentencing Council** and be aware of the changes to existing Guidelines in the published document – '**Miscellaneous Amendments to Sentencing Guidelines**' – Guidelines for the

1<sup>st</sup> time in relation to having drugs in your system above the permissible levels (both documents will be reproduced in full in your notes)

11 – Some things to watch out for when representing **MULTIPLE CLIENTS** at the Police Station stage

12 – The appropriateness of **OPENING STATEMENTS** made by you on behalf of your client at the commencement of the Police Station interview

13 – The position at the police station regarding the client having to disclose details of a **PIN** or any type of **ENCRYPTION** and the consequences that may flow from a refusal

14 – The government is again considering increasing the power of Magistrates from **6** months to **12** months in relation to one either-way offence – the rationale behind the increase and possible consequences

15 – 2 recent High Court decisions in relation to appeals from the Magistrates' Court to the Crown Court against the decision of Magistrates to grant bail – an examination of the **Bail (Amendment) Act 1993**

16 – Volunteers at the Police Station – the stage in the proceedings at which the police can take biometric material (fingerprints and DNA) **WITHOUT** the **CONSENT** of the volunteer

17 – Advising on the merits of an **APPEAL** to the Crown Court against the custodial sentence that has just been imposed in the Magistrates' Court

18 – Accepting a **Court-Appointment** when you are at **Court** in your capacity as the **Duty Solicitor**

19 – Can you accept instructions from an **OWN CLIENT** at the Police Station stage to assist on his bail return date when he had the services of the **DUTY SOLICITOR** at the Police Station last time – what does your Contract say?

20 – Acting as the **Court Duty Solicitor** in matters relating to **Alcohol** and **Drugs** and **Driving** – half a dozen useful things to know

[Order here](#)