



Statement

6th July 2011

Police station duty scheme - update

It has been suggested that the Board is somehow unwilling to provide information on the Police Duty Scheme. This is not so.

The Board's first responsibility is to ensure the introduction and effective operation of the scheme given the Law Society and GBA's negative response to it and the pressure being brought to bear on firms not to participate in the scheme. We are also aware of the GBA's email dated 5 July asking that solicitors who are not on the plan to carefully consider whether they would wish to act for clients in custody outwith the plan.

Clearly there is a short-sighted campaign to damage the scheme which may also damage suspects' rights as well as the orderly operation of the criminal justice system. This is a significant and deeply disappointing development.

We are under no obligation to publish the detailed plans. We wish to avoid putting people, who have decided to work with the justice system and to provide assistance to suspects, under any undue and unwarranted pressure. Unlike the court duty plans, the police station duty plans only need to be accessed by the solicitors on the plans and the Solicitor Contact Line. We informed all solicitors registered to provide criminal legal assistance in our mailshot dated 1 July 2011 that they can request from the Board's Solicitor Contact Line, the details of any advice given directly to a client in police custody, and/or the identity of any duty solicitor who may have advised the client personally.

The Cabinet Secretary for Justice, in his letter to Cameron Ritchie, President of the Law Society, dated 27 June 2011, made it clear that his priority was to ensure timely advice for suspects and inevitably, the fewer private solicitors who choose to participate the more the Board will need to make use of PDSO and Board employed solicitors in the scheme and he asked the Board to take forward those options.

We will be publishing, in due course, information on the early operation of the scheme. Our first priority is not to provide information to those who appear to be intent on damaging it, but we will comply with our obligations under the Freedom of Information (Scotland) Act 2002.

We continue to monitor the scheme very closely in areas where there may be a shortage of private practice solicitors on the duty plans and will put in alternative arrangements as requested by the Cabinet Secretary.

Ends

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