



The Bar Council

## Police Station Attendance

<b>Purpose:</b>	To advise barristers when they may attend a police station interview
<b>Scope of application:</b>	All practising criminal barristers
<b>Issued by:</b>	The Ethics Committee
<b>Last reviewed:</b>	March 2022
<b>Status and effect:</b>	<b>Please see the notice at end of this document. This is not “guidance” for the purposes of the BSB Handbook I6.4.</b>

### **Can I attend an interview at a police station without a solicitor?**

1. Yes, if you are properly instructed you may attend an interview in a police station as a representative, provided you have completed the Police Station Qualification (PSQ) (gC39). You must have completed the PSQ (and, if you do not hold higher rights of audience, you must also complete the Magistrates Court Qualification) to attend a police station interview. If you are undertaking publicly funded work under a criminal contract you must comply with the training requirements specified by the Legal Aid Agency; see paragraph 7.

### **Can I attend an interview under caution, without a solicitor, that is being held other than at a police station without having completed the Police Station Accreditation course?**

2. Yes, subject to paragraph [\[7.b\]](#).

3. The BSB Handbook gC39 and gC89 refers to proper qualifications being required for police station attendance. However, please note that the definition of “police station” in the Standard Crime Contract 2017, which regulates the

Duty Solicitors' Scheme, defines "police station" as a police station or any other location at which a Constable is present (or at which a Services Person is assisting with an investigation by the Services Police). It is therefore the nature of the interview, not its physical location, which determines whether completion of the Police Station Accreditation course is required.

4. To attend another type of interview you are not required to have completed the Police Station Accreditation course, but you must be properly instructed, and competent or have enough experience to handle the particular matter (rC21.8).

**Can I represent a lay client having attended his or her interview under caution?**

5. You must not accept instructions to represent a lay client where there is a real prospect that you are not going to be able to maintain your independence (rC21.10). This includes appearing as an advocate in a matter in which you are likely to be called as a witness, unless the matter on which you are likely to be called as a witness is peripheral or minor in the context of the litigation as a whole and is unlikely to lead to your involvement in the matter being challenged at a later date (gC73).

6. The likelihood of you being called as a witness in respect of matters related to the conduct of the interview under caution is for you to assess by reference to the particular circumstances of the case and the foreseeable issues to which it gives rise. You should review this question as soon as it arises, and timeously.

**Can I be a duty solicitor?**

7. Yes, subject to the following two considerations:

a. Barristers who are employed (i.e. not on a contract for services) may be added to the duty solicitor rota if their employer is a contract holder.

b. Additionally, the contract between the LAA and firms stipulates that duty solicitors must hold the CLAS qualification. This means that you will have to complete the Police Station Qualification (PSQ) and the Magistrates Court Qualification (MCQ) to be added to the duty solicitor rota.

8. Please note that there is no longer an exemption to the MCQ for those with Higher Rights of Audience. Guidance on the CLAS qualification may be found on the Law Society website.<sup>1</sup>

9. If you were previously employed as a barrister in a contract holder's firm and subsequently leave to join the self-employed Bar you may not remain on the duty solicitors rota.

10. Barristers who do not meet these criteria may not be Duty Solicitors but can still be instructed to attend and represent a client at a police station providing they are properly instructed either by a solicitor or through Public Access (if self-employed) and have completed the PSQ. If you attend an interview to represent a client through Public Access, you should of course have successfully completed the required training specified by the Bar Standards Board (gC39).

### **Important Notice**

This document has been prepared by the Bar Council to assist barristers on matters of professional conduct and ethics. **It is not "guidance" for the purposes of the BSB Handbook I6.4, and neither the BSB nor a disciplinary tribunal nor the Legal Ombudsman is bound by any views or advice expressed in it.** It does not comprise – and cannot be relied on as giving – legal advice. It has been prepared in good faith, but neither the Bar Council nor any of the individuals responsible for or involved in its preparation accept any responsibility or liability for anything done in reliance on it. For fuller information as to the status and effect of this document, please see [here](#).

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<sup>1</sup> <http://www.lawsociety.org.uk/support-services/accreditation/criminal-litigation/>