

Law Society want civil justice reform

The civil justice system in Scotland needs to be reformed, say The Law Society of Scotland. The separation of civil and criminal cases, an increase in the threshold for the Court of Session and introduction of specialist sheriffs are just three of the recommendations they have made.

The Society's Civil Justice Committee submission to the Scottish Government this week has backed many of Lord Gill's 2009 Civil Courts Review recommendations and believes the suggested reforms could potentially bring the greatest changes to Scotland's civil courts in over a century.

✘ Kim Leslie, convener of the Society's Civil Justice Committee, said: "Lord Gill's report identifies a number of structural and other weaknesses currently affecting Scotland's civil courts, and makes recommendations designed to make radical improvements which, if implemented, will dramatically alter the delivery of civil justice in Scotland.

"We made submissions to the initial consultation as part of Lord Gill's review and welcomed publication of the report in September 2009. We are now keen to see implementation of some of the key recommendations to improve civil justice in Scotland.

"The scope of the review was huge, and the Society's Civil Justice Committee has not commented on every recommendation in the review, however one of our own key recommendations would be to separate civil and criminal business within the Sheriff Court because many of the current problems arise from the huge amount of judicial time which is spent dealing with summary cases.

"We also support the view that there should be specialisation

within the judiciary, in particular in administrative, environmental and planning law as well as family, commercial and personal injury cases.

“Such specialisation could be introduced without the need for primary legislation and at no great cost to the public purse – there has already been a successful pilot in Glasgow Sheriff Court of such a system and think this would be beneficial if rolled out across Scotland. The committee is also keen that there should be the option of using a commercial court in each Sheriffdom.”

The Society’s Civil Justice Committee has also backed increasing the threshold for civil cases in the Court of Session, Scotland’s highest civil court. Currently the threshold for cases to be heard in a Sheriff Court is £5,000 and the committee believes this should be raised to at least between £20,000 and £50,000 to allow business to be directed to the appropriate level competent to deal with it.

Ms Leslie said: “Any increase in the threshold for cases to go before the Sheriff Court must coincide with the introduction of specialist sheriffs. We would also endorse the creation of a third tier, dealing with appropriate cases to alleviate pressure on the civil justice system.

“We are in broad agreement with many of the recommendations made in the Civil Justice Review, although we have also taken the opportunity to outline reservations on some of Lord Gill’s recommendations, such as a national Sheriff Appeal Court for civil appeals. We would now urge the Scottish Government to implement some of the recommended reforms including the establishment of a Civil Justice Council for Scotland, which would bring in the cost and funding of litigation as part of its remit.

“We are keen to see the introduction of workable improvements to Scotland’s civil justice system for all those who use it

and work within it and look forward to working with government in bringing forward reform.”

The full Law Society of Scotland Civil Justice Committee report can be read on their [website](#).