

Scottish Courts consultation is open now



With the Scottish legal system about to embark on the most significant changes in over a century, The Scottish Court Service (SCS) has just launched a three month consultation on its proposals for court services in the High Court, sheriff courts and justice of the peace courts. Some of the proposals include the idea that the Sheriff Courts in Haddington and Peebles will be closed and the business transferred to Edinburgh.

Civil and criminal justice will be reformed in the coming years following the recommendations arising from the reviews by Lord Gill, Lord Carloway, Sheriff Principal Bowen and the forthcoming Victims and Witnesses Bill. Further changes are also anticipated following the report by the Commission on Women Offenders chaired by Dame Elish Angiolini. These reviews are not simply about a redistribution of existing business, but have implications for how and where court services will be delivered in the future.

Against this background of reform, Eric McQueen, Executive Director, identifies the challenges for the SCS:-“We have to provide a court structure that provides access to justice for the people of Scotland, along with the facilities and services which they have a right to expect. That structure has to reflect the planned reforms to the justice system and at the same time be affordable in the long term. We already know the status quo is not an option.

“With greater levels of specialisation expected to result from the justice reforms, we anticipate the most serious types of business being heard in fewer locations. Many of our court

buildings were built in Victorian times and are both expensive to maintain and difficult to adapt to modern needs. Fewer court buildings would allow SCS to target future investment to ensure that the best possible facilities and level of service is available for all court users but more particularly for victims, witnesses, and vulnerable people.

“We accept that having fewer court buildings, as proposed, will impact on travel distances for some people and the consultation paper sets out the likely impact of the proposed changes. For most people, attending court is a rare experience and future court services will seek to reduce this requirement through greater use of technology and online services.

“The SCS consultation does not take place in isolation. In fact there is unprecedented collaboration taking place within the justice system through the Scottish Government ‘making justice work programme’ which in turn supports the Strategy for Justice in Scotland published last week.”

The proposals now set out in the consultation paper have been directly influenced by discussions held with members of the judiciary, SCS staff and other justice agencies and discussions held at six regional dialogue events hosted by the SCS in May and June of this year. The resulting consultation paper has been sent directly to over 1000 consultees and the Scottish Court Service wishes to hear the views of everyone who has an interest by the consultation close in December.

The consultation paper also contains information on the likely impact on other justice organisations, who have been fully involved in the development of the proposals.

The Crown Office and Procurator Fiscal Service consider that, although there may be an increase in witness expenses in the short term, the greater efficiency and effectiveness of increased specialisation will lead to an overall saving and deliver an improved service to victims and witnesses.

The Association of Chief Police Officers is working closely with the Scottish Court Service and other Criminal Justice organisations to achieve maximum efficiencies for the police which ensure minimal abstraction from frontline duties for officers attending court.

The Scottish Legal Aid Board welcomed the opportunity to contribute to the development of these proposals and estimates that the proposals would result in a small saving to the legal aid fund as a result of changes in solicitor and counsel travel. The Board recognises that court closures may have an impact on the costs of some individuals accessing and attending court.

Summary of the Proposals

This summary provides a quick reference but does not include the detail of the proposals that is contained within the consultation paper.

Proposal 1 – The High Court Circuit

The proposal for change to the court structure supporting the High Court Circuit is that:

(a) the High Court should sit as a court of first instance primarily in dedicated High Court centres in Edinburgh, Glasgow and Aberdeen;

(b) additional sitting capacity should be provided only in designated sheriff courts in the east and west of the country;

(c) there should remain the opportunity for a sitting of the High Court to be held at another location when the Lord Justice General or the Lord Advocate considers that to be in the interests of justice;

(d) these changes to the current arrangements should be phased over the period to 31 March 2015, and that during this period, additional capacity, when required, could be provided from a

bank of courts, which would be Greenock, Paisley, Dumbarton, Livingston and Dunfermline.

Proposal 2 – Consolidating sheriff and jury business and other shrieval specialisation

The proposal for changes to the supporting structure for sheriff and jury business and the exclusive civil, administrative and miscellaneous jurisdiction of the sheriff is that:

(a) in the mainland jurisdictions, sheriff and jury business should routinely be held only at the sheriff courts of: Glasgow, Aberdeen, Inverness, Edinburgh, Livingston, Paisley, Dumbarton, Kilmarnock, Airdrie, Hamilton, Ayr, Dumfries, Perth, Dundee, Falkirk and Dunfermline;

(b) in the mainland jurisdictions, as the body of summary sheriffs became established, the sixteen sheriff and jury centres would become centres of shrieval specialism in the civil, administrative and miscellaneous jurisdiction of the sheriff, where business in those jurisdictions would be dealt with;

(c) the sheriff courts at Lerwick, Kirkwall, Stornoway, Lochmaddy and Portree would continue to hear all business within the jurisdiction of the sheriff;

(d) the changes, being dependent on the deployment of sheriffs and summary sheriffs, court capacity becoming available and the development of the use of video and other communications technology in court proceedings, would be progressively introduced over a period of ten years.

Proposal 3 – Justice of the peace courts in towns where there is no sheriff courthouse

The proposal for the five justice of the peace courts in towns where there is no sheriff courthouse is that

1. (a) the justice of the peace courts at Coatbridge, Cumbernauld, Annan, Irvine and Motherwell should close and the business be transferred to a justice of the peace court sitting in the sheriff courthouse for the district;
2. (b) these changes, which are dependent on there being sufficient capacity in the respective sheriff courthouses, should be phased over the financial years 2013/14 and 2014/15.

There is a stated aim that all Sheriff Courts and JP Courts will operate in the same town, doing so from the same building. The Scottish Courts System are aiming to achieve this in Hamilton, Aberdeen and Kirkcaldy

Proposal 4 – The Justice of the Peace Courts at Portree, Stornoway and Wick

The proposal for the justice of the peace courts at Portree, Stornoway and Wick is that these courts should be disestablished and that all summary criminal business be heard in the local sheriff court.

Proposal 5 – Sheriff courts with low volumes of business

The proposal for the five courts falling below our measure for low volume is that:

1. (a) sheriff courts and justice of the peace courts should cease to be held in Dornoch, Duns, Kirkcudbright and **Peebles**, a sheriff court should cease to be held at Rothesay, and the court buildings and court accommodation in those places should be closed;
2. (b) the business from these courts should be transferred to the neighbouring sheriff court district and be heard at the sheriff courts in Tain, Jedburgh, Dumfries, **Edinburgh** and Greenock respectively;
3. (c) the changes be achieved during the year 2013/14.

Proposal 6 – Sheriff courts in proximity to each other

The proposal for the sheriff courts that are in proximity to another sheriff court where there is capacity to take additional business, or that capacity will become available as a consequence of other changes, is that:

(a) sheriff courts and justice of the peace courts should cease to be held in Alloa, Cupar, Dingwall, Arbroath, **Haddington** and Stonehaven and the court buildings and court accommodation in those places should be closed;

(b) the business from these courts should be transferred to the neighbouring sheriff court district and be heard at the sheriff courts in Stirling (solemn business in Falkirk), Dundee, Inverness, Forfar, **Edinburgh** and Aberdeen respectively;

(c) the changes should be phased over the two years 2013/14 and 2014/15, or as the necessary capacity becomes available.

[The consultation](#) is open till 21 December 2012.