

Scottish Courts reform bill passed



In a debate yesterday at Holyrood new legislation was passed which will bring about the biggest modernisation of Scotland's courts in a generation.

Opposition to these changes came largely from [Clydeside Action on Asbestos](#) a charity which seeks to ensure that damages are paid to asbestos sufferers. They had hoped that an exception could be made for those claiming for such damages to allow those cases to be heard in the higher court, the Court of Session.

Phyllis Craig the chair of the charity who organised for protesters to assemble at Holyrood yesterday said:- "Asbestos victims from all over Scotland are coming to Holyrood today to make a personal plea to Kenny MacAskill. They're saying please don't allow your new court reform to stop us and our families getting justice for what's been done to us.

"That's a very powerful message and I sincerely hope that Mr MacAskill hears it. Asbestos related illness is a shameful legacy of Scotland's industrial past and more victims than ever are coming forward. He may not have intended it but the Justice Secretary's reform will end up stacking the odds very much in favour of the insurance companies who, to their shame, will use any means they can to avoid admitting liability. The men and women suffering these conditions must be protected by our justice system not forgotten about in the drive for reform."

The court reforms include recommendations made by Lord Gill as part of the Scottish Civil Courts Review to improve the structure and operation of the courts, which were described as

“slow, inefficient and expensive.”

The new powers passed today will ensure that the right cases are heard in the right courts at the right cost.

The reforms will change the procedures and processes in our courts and include:

- Raising the exclusive competence of the sheriff court to £100,000
- Introducing summary sheriffs to deal with some types of criminal and civil cases in the sheriff courts
- Establishing a Sheriff Appeal Court

You can watch the proceedings from Holyrood here:

Justice Secretary, Kenny MacAskill said:

“I am delighted that this Government’s Court Reform Bill has passed stage 3 and will now become enshrined in law.

“Our courts have remained relatively unchanged for decades but this new legislation will bring about the most important change for Scottish courts for more than a generation.

“This is a hugely important step forward in making Scotland’s civil justice system more accessible, affordable and efficient for those people who need to resolve civil disputes.

“We have listened to and accepted concerns from some stakeholders and made amendments to ensure that people get access to the most appropriate legal representation in their cases.

“I am confident that the reformed courts structure, including the new national specialist personal injury court, will ensure that cases can be raised and dealt with quickly and effectively and there is easier and more affordable access to justice.”

Grahame Smith, General Secretary of the Scottish Trades Union Congress, said:

“We are delighted that, in his speech today, the Cabinet Secretary for Justice has shown an understanding of the need to protect access to justice for victims of workplace injury and personal injury more generally. We welcome in particular his clear concerns about the implications of Section 69 of the Enterprise and Regulatory Reform Act and his personal commitment to supporting its reversal should the Scottish Parliament be empowered to do so.

“In making clear his view that the Specialist Court is the appropriate place for health and safety cases of any financial value to be heard, the Cabinet Secretary has provided enormous comfort for our members. Equally, his recognition that the test for sanction is likely to be met in the majority of work related personal injury cases shows a keen understanding of the complexity that these cases are likely to carry.”

Alan Rogerson, Chairman of The Forum of Scottish Claims Managers, said:

“We welcome the Courts Reform (Scotland) Bill as a progressive, forward thinking piece of legislation. The establishment of a specialist Scotland-wide court to deal with personal injury cases, together with the £100,000 privative jurisdiction of that sheriff court, will improve access to justice and play an important part in the delivery of the reforms envisaged by Lord Gill in the Scottish Civil Courts review.”