

SHAPING SCOTLAND'S COURT SERVICES

A PUBLIC CONSULTATION ON PROPOSALS FOR A COURT STRUCTURE FOR THE FUTURE

1. SUMMARY

1.1 The Scottish Court Service has issued a consultation document setting out a range of proposals on the future of Scotland's court services. The proposals, if implemented, will impact on the nature of the business conducted particularly in the local sheriff courts with the development of specialist Justice Centres. The consultation paper also includes proposals to close eleven sheriff courts, including Rothesay Sheriff Court.

2. RECOMMENDATIONS

2.1 The Council is asked to approve the terms of the attached Response Form to the Consultation paper and agree that it be submitted to the Scottish Court Service by the **closing date of noon tomorrow**.

3. DETAIL

3.1 The Scottish Court Service has issued an extensive consultation document on the future of Scotland's Court Services. A copy of the full public consultation paper is available at <http://www.scotcourts.gov.uk/consultations/index.asp>. The present arrangement of Sheriff Courts has remained largely unchanged since the 1970s and many of the court buildings date back to Victorian times with the result that a number do not meet fully the standards and expectations of a modern Court system.

3.2 As with much of the public sector, the Scottish Courts Service is facing a challenging financial outlook over the coming years. Taking inflation into account, the reduction in their revenue budget from 2010/11 to 2014/15 is, in real terms, 20%. In addition, their capital budgets for investment in court buildings and technology is reducing from £20.3 million in 2010/11 to £4 million in 2014/15.

3.3 The proposals should also be seen in the context of the Scottish Government's *Making Justice Work* initiative. This is a four year cross-justice programme of work to ensure a fair, accessible, cost effective and efficient justice system. *Making Justice Work* is driving improvement in a number of areas. These are:

(a) delivering efficient and effective Court structures, including major reforms to the civil courts;

- (b) improving the processing of cases and case management;
- (c) widening how people access justice;
- (d) enhancing the use of technology and sharing of information; and
- (e) reforming Scotland's tribunals.

3.4 The proposals have therefore been developed in the context of the above initiative and in response to substantive reforms to the justice system which are anticipated in the next few years. These reforms will come out of the recommendations in Lord Gill's Civil Courts Review and Sheriff Bowen's Review of Sheriff and Jury Business. Scottish Ministers have indicated that their intention is to implement the recommendations of these reviews, although the detail of some of the measures will be the subject of further discussion and consultation. Greater levels of specialisation are expected to result from the justice reforms with the most serious types of business being heard in fewer locations.

3.5 The recommendations arising from both these reviews will significantly influence how courts and justice operate in the coming years. The principal changes proposed are:-

1. A new salaried judicial office of Summary Sheriff, below the rank of Sheriff, dealing with summary criminal cases, summary cause and small claims litigation and some other civil matters, including family cases;
2. A new Sheriff appeal court dealing with both civil and criminal appeals from the Sheriff Courts and Justice of the Peace Courts;
3. A Sheriff Personal Injury Specialist Court, probably in Edinburgh, with other judicial specialisation managed within sheriffdoms;
4. The redistribution of civil cases from the Court of Session to the Sheriff Courts and at the lower level from Sheriffs to Summary Sheriffs;
5. More active management of Sheriff and Jury cases, in particular a sheriffdom – wide approach to matching cases to court capacity;
6. Increased use of video conferencing and other arrangements to support vulnerable witnesses and victims of crime.

4.

4.1 Prior to issuing the consultation document, the Scottish Court Service had extensive discussions with members of the Judiciary, Scottish Court Services staff and other justice agencies and held a number of regional roadshows throughout Scotland.

4.2 The proposals obviously impact on courts across Scotland but the principal changes that will impact on Courts within Argyll and Bute, are set out below:

- It is proposed that Sheriff and Jury business will in the future only be held at sixteen specialist Justice Centres (Glasgow, Aberdeen, Inverness, Edinburgh, Livingston, Paisley, Dumbarton, Kilmarnock, Airdrie, Hamilton, Ayr, Dumfries, Perth, Dundee, Falkirk and Dunfermline).
 - In the mainland jurisdictions, as the body of Summary Sheriffs become 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.
 - The above changes are dependant on the deployment of Sheriffs and Summary Sheriffs, court capacity becoming available and the development of the use of video and other communications technology and court proceedings, and would be progressively introduced over a period of ten years.
 - Due to the low volume of business it is proposed that the Sheriff Court in Rothesay should close and the business from this court transferred to the neighbouring Sheriff Court of Greenock. This change to be achieved during 2013/14.
 - The reforms proposed do not affect the jurisdiction of the Justice of the Peace Courts and they will continue to deal with criminal matters at the appropriate level.
- 4.3 Discussions have taken place with the various Council services who are likely to be affected by a number of the proposals. These include the Criminal Justice service who provide services to the Sheriff Court in respect of criminal business, Children and Families who require to access the sheriff court in respect of the range of child and adult protection matters, Regulatory Services who require to make applications to the court on a range of matters from time to time and Legal Services who act in a representative capacity in respect of the foregoing.
- 4.4 The four Area Committees have also been consulted on the terms of the proposals and their views have been incorporated into the Response Form.
- 4.5 The main issues which have arisen as a result of the feedback to date are as follows:
- The closure of Rothesay Sheriff Court will result in a saving of £6,000 per annum. It is proposed that the business currently undertaken in Rothesay will be transferred to Greenock Sheriff Court. This will mean that those requiring to attend court will have to undertake a return ferry journey (subject to the vagaries of the weather) which will necessitate being away in all likelihood for the whole day. It is also possible that there will be circumstances where, for example, the accused, victims and witnesses (for example in domestic violence cases) will all be travelling on the same ferry with the resultant risks in relation to potential intimidation, preservation and evidence and so on.

- The transfer of sheriff and jury business from the local sheriff courts to the specialist centres will result in an increase in travel and time for potential jurors and witnesses.
- There is to be a division of civil business between the Summary Sheriff who will be sitting in the local sheriff court and the Sheriff who will be located in the specialist centre. It is not clear from the consultation document what business will continue to be dealt with locally other than it is stated that the more complex business will be dealt with centrally. The reason for the lack of clarity is that this is a matter to be determined by the review by Lord Gill. As a result, it is difficult to assess the detailed impact of such a change but it is inevitable that there will be an increase in travel and time.

5. IMPLICATIONS

5.1	Policy	
	Financial	May be increased travel costs incurred by staff attending Court
	Personnel	None
	Equalities	None
	Legal	None
	Risk	None
	Customer Services	

6. APPENDICES

6.1	Response Form
-----	---------------

DOUGLAS HENDRY

Executive Director, Customer Services