

Scottish
Court Service



shaping Scotland's court services

*a public consultation on proposals for
a court structure for the future*

September 2012

This consultation closes at noon on 21 December 2012

Contents

Foreword

Introduction

Part 1 The Context and the Challenge

Part 2 The Response

Part 3 The Proposals

The High Court Circuit

Consolidating sheriff and jury business and other shrieval specialisation

The Justice of the Peace Courts

The Sheriff Courts

Part 4 What the proposals mean in the Sheriffdoms

Sheriffdom of Glasgow and Strathkelvin

Sheriffdom of Lothian and Borders

Sheriffdom of South Strathclyde, Dumfries and Galloway

Sheriffdom of North Strathclyde

Sheriffdom of Tayside, Central and Fife

Sheriffdom of Grampian, Highland and Islands

Part 5 Financial Impact for the Scottish Court Service

Part 6 What the proposals mean for other justice organisations

Part 7 Economic Impact of Proposals

Part 8 Summary of the Proposals and the Questions

Part 9 How to respond to this consultation and what happens next

Appendix A Principles for provision of Access to Justice

Appendix B List of Consultees



Foreword by the Lord President of the Court of Session

Most of the existing pattern of courts in Scotland was established many years ago. Radical changes are imminent in the provision of both civil and criminal justice. It is opportune that the Board of the Scottish Court Service should now consider how the provision of courts at all levels can best be provided to meet these new and changing needs. This process has become more urgent by reason of the public expenditure constraints to which the SCS is now subject.

The proposals in this Consultation Paper are the result of extensive discussions involving the Board, the staff, the Judiciary and the many individuals who took part in a series of public presentations by SCS earlier this year.

The time has come for these proposals to be tested by a thorough process of public consultation. I invite all who read this document to approach it with an open mind and to respond to it constructively. The Board hopes that, with the benefit of this consultation, it will provide a pattern of courts that will best serve the needs of those who use them.

Rt Hon Lord Gill
September 2012

Introduction

This consultation is about the provision of court services in Scotland. It is about the way the provision of these services is structured in a modern country where the diverse needs of people are considered, and every effort is made to provide facilities that enable everyone to participate fully in the justice system, whether they chose, or are required, to do so. But resources are not unlimited, and the court system, like other public services, has to be structured in a way that makes best use of the public money that Government invests in the system. This means choices have to be made, and compromises reached. But it also means that imaginative and new ways to deliver services can more readily find a place.

During our consideration of the issues which we will outline in this paper, we have had the benefit of preliminary discussions with the judiciary and court staff, the legal profession, those bodies that work with us in the justice system and with others who have a professional association with the justice system and the work of the courts. We have taken account of what we heard during those discussions when framing the proposals which we now set out in this paper.¹ We are inviting comments on these proposals, which we believe preserve access to justice for the people of Scotland in these times of significant financial constraint, and establish a sound structural basis for Scotland's justice system to reform and develop.

We will explain the context within which we are carrying out this consultation and how our proposals move towards our vision of a court system for the future. We describe the specific proposals both thematically and on a geographical basis, as we recognise that many will wish to comment on how the proposals affect their local community. However, we hope that you will feel able to let us have your views on all our proposals.

As giving effect to our proposals would involve statutory changes to the current structure of the sheriff courts and the justice of the peace courts, this consultation is intended to fulfil our statutory duty to consult under section 3 of the Sheriff Courts (Scotland) Act 1971 (c.58), and section 59 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6).

Part 9 of the paper explains how to respond to the consultation. This is an important part as it tells you what you need to do if you do not wish your response to be made public.

Part 9 also contains information about how you can contact us about this consultation should you wish to do so.

Your response should reach us by noon on Friday, 21 December 2012.

¹ On pages 18 and those following, we say more about the issues that emerged from these discussions and how we have responded.

Part 1

The Context and the Challenge

Introduction

1.1 In this part we describe the context within which we are conducting this consultation and the specific challenges to be addressed. In the next part, we set out our response to these challenges, and how this moves us towards our vision for a court structure for the future.

1.2 As Scotland itself has a long and proud legal tradition going back into its history as a nation, so the court structure has evolved progressively over many centuries. The present arrangement of sheriff courts has been largely settled since the 1970s, although the network of courts located in forty nine of the historic centres throughout the country, reflects more the social and economic needs of the Victorian age. Many of the courthouses constructed then continue in use today; and in most the full range of court services is still provided, notwithstanding the facilities in the courthouse do not always meet fully the standards and expectations of a modern court system.

1.3 Our older buildings form a significant part of Scotland's architectural heritage, and are subject to a number of statutory controls on the way buildings are managed and developed. To meet these obligations, and also secure the provision of modern court services, places pressure on available resources. In some locations improvement is just not physically possible owing to the original design and structure of the building.

1.4 While we are very aware that the role of the courts in delivering local justice is valued by communities, and we understand and respect this, the inequality in the standard of court facilities that already exists within the present structure, and the absence of any prospect of funding to address this comprehensively, means we cannot guarantee the same standard of service to all communities, and creates a challenge for us in meeting the standards expected, and increasingly demanded, of a modern European court system.

1.5 During the years when funding for refurbishment and new building was available, we were able to create a number of modern court facilities. As we shall explain, funding of the levels available in the past will not be available in the foreseeable future. We are proud of our modern courthouses with their easy access for all, segregated spaces for jurors, witnesses, judges, prisoners and court staff; their space for victims and professional advisers and the provision of modern communication and video technology. We look for opportunities to share facilities with other justice sector organisations, and in Livingston we have achieved the arrangement to which we aspire. There the court facility forms part of the civic centre which houses the local authority, police, procurator fiscal, children's reporter and the West Lothian Community Health Partnership. This arrangement allows those who come into the justice system a single point of access to the other public services they might require.

1.6 The system of courts does not of course sit in isolation; it is an integral part of the justice system and must respond as that system is reformed by legislation and Government initiative. Recent years have seen considerable justice reform. In 2002 Lord Bonython reviewed the practices and procedure in the High Court of Justiciary; in 2004 Sheriff Principal McInnes QC reviewed summary justice. The key recommendations of these comprehensive reviews were subsequently passed into law. The court system had to adapt to the new ways of working introduced by these reforms.

1.7 The review of summary justice had significant structural consequences for us as the subsequent legislation brought the newly established justice of the peace courts (which replaced the former district court structure), under the administrative management of the Scottish Court Service. (The district courts had been administered by the local authorities.) This reform in particular highlighted the influence court accommodation can have in adapting to change and upon the delivery of appropriate court services. In places where spacious modern facilities exist in the sheriff courthouse it has been possible to integrate the justice of the peace courts into that building, giving users of the court better facilities than those available in the former district courthouse. Where this has not been possible, some justice of the peace courts continue to sit in accommodation that is not fit for purpose by modern standards.

1.8 Scottish Ministers have signalled their intention to bring forward further reforms in the near future. The changes recommended by Lord Gill's review of the civil courts will, in particular, alter fundamentally the way business is conducted in both the civil and criminal courts. The recommendations of Sheriff Principal Bowen QC in his review of sheriff and jury procedure as to the management and conduct of business also have implications for the court structure within sheriffdoms. Ministers are also consulting on their response to Lord Carloway's recent review of Scots criminal law and practice with a view to bringing forward a Bill in due course.

1.9 A Scottish Government consultation on a Bill to improve further the rights and expectations of vulnerable witnesses has recently closed.² Provision for vulnerable persons at court is something we take seriously, and we have in place a network of facilities to enable child and other vulnerable witnesses to give evidence remotely. We have therefore been very mindful of this particular group when considering our response to the challenges we face. We have been told that what usually matters more to child witnesses is the standard of the facilities in which they are asked to play their part in the justice system, and the feeling of safety those facilities provide, rather than the distance travelled to that facility. Our proposals aim to provide such facilities.

1.10 The success of all these further reforms will depend in no small measure on the court system being able to provide appropriate facilities and having sufficient capacity in the right place.

² [Making justice work for victims and witnesses](#)

1.11 The recently published report of the Commission on Women Offenders³ recommends that a pilot of a problem solving summary criminal court should be established for repeat offenders (both female and male) with multiple and complex needs who commit lower level crimes. This approach to sentencing requires the engagement of the judge with the professionals involved in the management of the offender. In other jurisdictions we understand such courts are accommodated in buildings which have permanent facilities for all of the agencies involved in the management and support of such offenders. The sharing of accommodation with other public services is part of our overall vision for the court system; but we need to be aware of the possibility of being asked to accommodate such courts before that vision can be realised.

1.12 In times of plenty many of the issues we have described would have been resolved by financial investment. But we are not immune from the general reduction in funding for public sector bodies in Scotland, and, in common with other such bodies, from the consequential need to find efficiencies in the way business is conducted. We provide more information about our financial position later in the paper; for now the headline facts. Our operating budget will reduce by 20% in real terms by 2014/15, compared with 2010/11. Our capital budget, which we use to provide buildings and technology, will reduce from £20.3 million in 2010/11 to £4.0 million in 2014/15. Carrying on as before is simply not an option.

1.13 The challenge for us therefore is to provide a court structure that (a) provides Scotland's citizens with services and facilities consistent with the standards of a modern system; (b) is ready to support the anticipated reforms effectively, and (c) is affordable within the reduced budget available to us. We recognise that to achieve this it is almost inevitable that initially some court users may have less ready access to our services than they do at present. We are anxious about this. We are confident however that through the anticipated reforms of the process of justice, the increased availability of technology to support the provision of information and the conduct of business, the balance will be redressed over time. We also recognise that the system of justice remains inherently flexible and, under the administrative guidance of the Lord President and the sheriffs principal, can respond to exceptional issues as they arise in any area.

1.14 In the following sections we say more about the impact of the reforms and the financial position; we also provide information about anticipated workload.

Future justice system reforms

1.15 Scotland's courts do not operate in isolation; they are an integral part of the wider justice system, both for criminal and civil justice. Decisions about our future court structures have implications not only for court staff and the judiciary, but also for all those who use the courts, the legal profession and for other justice bodies. The decisions that we take also need to respond to current demands, and ensure that we are ready to meet future

³ [Commission on Women Offenders](#)

needs over the medium and longer term, taking account of planned reforms to the justice system.

1.16 The Scottish Government's *Making Justice Work* initiative 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. Each has potential implications for our courts.⁴

1.17 The proposals in this consultation paper have been developed, therefore, as part of *Making Justice Work*, in discussion with other justice organisations. In particular, the proposals take account of those justice system reforms that are most likely to have implications for how and where court services will be delivered in future.

1.18 Of the major reform of the justice system planned for the next few years, the most significant for us will be the implementation of the recommendations in Lord Gill's civil courts review⁵ and Sheriff Principal Bowen's review of sheriff and jury business.⁶ Both these reviews received broad cross party support when they were debated by the Scottish Parliament. Scottish Ministers have indicated their intention to implement the recommendations of these reviews, although the detail of some of the measures will be the subject of further discussion and consultation.⁷

1.19 We recognise that certain of the proposed reforms will require scrutiny by the Scottish Parliament, and that some changes may be made during that process, but we consider it not unreasonable to proceed on the basis that the recommendations of these reviews will be introduced largely as proposed. On this assumption, the main changes to which we will have to respond are:

- (a) a new salaried judicial office of summary sheriff,⁸ below the rank of sheriff, dealing with summary criminal cases, summary cause and small claims litigation and some other civil matters, including family cases;
- (b) a new sheriff appeal court dealing with both civil and criminal appeals from the sheriff courts and justice of the peace courts;
- (c) a sheriff personal injury specialist court, probably in Edinburgh, with other judicial specialisation managed within sheriffdoms;

⁴ More information about *Making Justice Work* is available through this link: [Making Justice Work](#)

⁵ [Scottish Civil Courts Review](#)

⁶ [Review of Sheriff and Jury Procedure](#)

⁷ [Response to the Scottish Civil Courts Review](#)

[Response to the Review of Sheriff and Jury Procedure](#)

⁸ Lord Gill recommended the new judicial officer should be styled district judge, but the term summary sheriff is now being considered.

- (d) the redistribution of civil cases from the Court of Session to sheriff courts, and at the lower level from sheriffs to summary sheriffs;
- (e) more active management of sheriff and jury cases, in particular a sheriffdom-wide approach to matching cases to court capacity;
- (f) increased use of video-conferencing and other arrangements to support vulnerable witnesses and victims of crime.

1.20 Even if individual measures are adjusted following discussion and consultation, the direction of the reforms - cases directed to the most appropriate level of court, more flexible case management and enhanced use of technology - will continue to drive changes in how and where court business is undertaken in the future.

What do these reforms mean for the way the courts do business?

1.21 The introduction of a new judicial tier, the office of summary sheriff, is a fundamental change to the current structure of the sheriff courts, which is founded on the generalist sheriff presiding locally over all sheriff court business.

1.22 Although below the rank of sheriff, the summary sheriff would be a professional judicial officer with a significant criminal and civil jurisdiction. Summary sheriffs would preside over all summary criminal business. Their civil jurisdiction would include all litigation under the small claims and summary cause procedures, a range of litigation concerning the tenancy and possession of residential property, and appeals and referrals from children's hearings. The summary sheriff would have concurrent jurisdiction with the sheriff in family actions. The office of summary sheriff would therefore be of some standing. Lord Gill's Review considered that the office would be attractive to legal practitioners with experience of advising and representing clients on the range of matters within the summary sheriff's jurisdiction, observing that appointment on a permanent but part time basis might be particularly attractive to those recently retired, or taking a break, from private practice.⁹

1.23 As the table on page 11 shows, the summary sheriff would undertake what might be regarded as the high volume work of the sheriff courts. Sheriffs, of whom there would be far fewer than at present, once the body of summary sheriffs became established, would deal with sheriff and jury business and more complex civil cases. The proposal to increase the exclusive jurisdiction of the sheriff court to £150,000 (from the present level of £5,000), if implemented, would bring before the sheriff cases that today would go to the Court of Session.

1.24 There would be more specialisation among the sheriffs: some in the new national personal injury court, which is expected to be based in Edinburgh; some in sheriff and jury work, which would be managed on a more centralised basis within each sheriffdom.

⁹ See pages 86 and following, of Volume 1 of the [Report of the Scottish Civil Courts Review](#)

1.25 Less appellate work would go to the High Court and the Court of Session, as all sheriff court civil appeals and summary criminal appeals would go to a new sheriff appeal court, from which there would be a limited basis to appeal to the Court of Session and the High Court.

1.26 These reforms would transform the current structure from one in which a single tier of court (the sheriff) deals with all types of business on a local basis across the country, sending its appeals to the Court of Session and the High Court of Justiciary. The new structure would need to allow for two tiers of first instance judge (the sheriff and the summary sheriff) dealing with different types of business for the same geographical area. The summary sheriff with the higher volume work, still largely locally based; the sheriff, the fewer number, dealing with more complex matters, sitting in specialist centres dealing with business on an sheriffdom basis. There would be no direct route of appeal to the Court of Session and the High Court; instead a new court within the sheriff court structure would be established to hear all civil and summary criminal appeals from the sheriff and summary sheriff, with a limited further appeal to the Court of Session and the High Court.

1.27 The jurisdiction of the locally based justice of the peace courts is unchanged by the proposed reforms.¹⁰

Business trends

1.28 The amount of business we can anticipate coming before the courts is a significant factor in any assessment of future need. Following discussions with the Scottish Government, the Crown Office and Procurator Fiscal Service and the Association of Chief Police Officers in Scotland, our proposals in this paper are based on the assumptions set out the following two paragraphs.

1.29 The reforms which we have outlined earlier will contribute further to the elimination of churn from within the criminal justice system, easing the pressures on capacity.¹¹ While the overall level of crime will continue to fall, and it is anticipated an additional 1,500 or so case being dealt with by direct measure,¹² the assumption is that the overall summary criminal workload of the courts will remain broadly flat as the remaining cases within the system would be the more significant and complex. An anticipated 5% shift in business from the sheriff courts to the justice of the peace courts would maintain the balance of workload between the courts. The number of cases being dealt with under solemn procedure¹³ may rise by around 6% overall should proposals relating to a change in the law of corroboration be enacted.

¹⁰ In this paper we will sometimes abbreviate "justice of the peace court" to "JP court".

¹¹ Churn is where cases must repeat stages of the court process court several times, before they can progress to the next stage.

¹² A direct measure is a statutory penalty, such as a road traffic fixed penalty notice or fiscal fine, which an offender can chose to accept to avoid prosecution.

¹³ There are two forms of criminal procedure in Scotland. Serious offences are dealt with under a formal solemn procedure; trial in such cases is by a judge sitting with and jury of fifteen. Less serious offending is dealt with by a judge sitting alone under summary procedure.

1.30 Civil business has been declining, but we feel it is premature to depart from the assumption that levels of business will remain broadly flat until there is experience of the reforms, in particular the change in the exclusive jurisdiction limit of the sheriff courts to £150,000, which will significantly redistribute within the tiers of court. Historic business trends are shown in the following table.

Numbers Registered	2007/08	2008/09	2009/10	2010/11	2011/12
SUPREME COURTS					
High Court Indictments	1,005	920	789	730	792
High Court Trials : Trials Assigned	487	495	460	404	502
High Court Trials : Evidence Led	446	382	322	269	315
High Court Sitting Days	3,591	3,826	3,912	3,909	3,857
First Instance Sitting Days	2,656	2,711	2,707	2,576	2,733
Solemn Appeals	953	765	870	820	810
Summary Appeals	1,475	1,546	1,486	1,393	1,274
Ordinary Civil Actions Registered	3,264	3,737	4,346	3,631	3,294
Civil Petitions Registered	3,183	1,597	1,675	1,458	1,364
Civil Appeals/Reclaiming Motions	247	300	287	226	261
SHERIFF COURT					
Indictments (Sheriff and Jury)	6,503	6,293	6,211	5,506	5,815
Solemn Trials : Called	3,234	3,295	2,996	2,975	3,277
Solemn Trials : Evidence Led	552	1,055	1,070	1,166	1,128
Summary Criminal Complaints	97,456	89,667	83,276	78,936	75,091
Summary Trials: Called	50,658	45,006	41,717	40,678	40,336
Summary Trials : Evidence Led	5,772	6,922	7,153	7,189	6,846
Summary Cases Concluded at Trial Diet	-	-	26,275	26,551	27,429
Ordinary Civil Actions	55,987	46,477	42,810	34,072	26,021
Ordinary Civil Proofs Called	-	-	4,115	4,059	3,661
Ordinary Civil Proofs Proceeded	-	-	998	1,046	1,007
Summary Applications	15,906	14,891	17,470	16,738	15,677
Summary Cause and Small Claims	60,756	79,827	68,914	58,185	54,481
Total Sitting Days	30,121	30,928	31,475	30,885	29,470
JUSTICE OF THE PEACE COURT					
Summary Criminal Complaints	-	-	56,758	67,966	58,423
Summary Trials : Called	-	-	12,728	19,127	17,214
Summary Trials : Evidence Led	-	-	2,258	3,083	2,828
Summary Cases Concluded at Trial Diet	-	-	7,086	11,414	10,940
Total Sitting Days ¹⁴	-	5,466	5,346	5,292	5,450
Direct Measures	-	59,487	85,827	97,174	103,853

¹⁴ Estimated figure; includes provision for *ad hoc* custody courts.

Financial position

1.31 The figures below show our budgets as set following the Scottish Government's 2011 Spending Review. The figures are expressed in cash terms (excluding the effect of inflation). The budgets for 2010/11 and 2011/12 are provided for comparison.

Scottish Court Service Budget

	2010/11	2011/12	2012/13	2013/14	2014/15
Revenue	£73.6m	£69.9m	£68.5m	£67.4m	£65.4m
<i>Revenue reduction from 2010/11</i>		<i>-5.0%</i>	<i>-6.9%</i>	<i>-8.4%</i>	<i>-11.1%</i>
Capital	£20.3m	£10.4m	£8.5m	£6.0m	£4.0m

1.32 The reductions are substantial. Taking inflation into account, the reduction in the revenue budget from 2010/11 to 2014/15 is, in real terms, 20 per cent. We have no choice but to find ways to deliver our services at lower annual cost.

1.33 In addition to reductions in revenue funding, we are experiencing substantial reductions in the capital budgets for investment in court buildings and technology, from over £20 million in 2010/11 to just £4 million in 2014/15.

1.34 Savings have been made already, and further savings are planned, in many areas of our budget. Staff numbers were reduced in 2011 by 120, mainly through a voluntary redundancy scheme.¹⁵ Staff pay has been constrained in line with public sector pay policy. Through close working with other justice organisations, in particular the Crown Office and Procurator Fiscal Service, and with the authorisation of sheriffs principal, programmes of court business have been adjusted to reduce the number of sitting days provided by part time judicial officers. The Scottish Government consulted on an increase in court fees earlier in the summer, and we anticipate the necessary orders will be laid before the Scottish Parliament. We have already made substantial progress in increasing the income we receive from the money retained to cover fines collection and enforcement and are seeking additional legislative measures to assist with enforcement.

1.35 We have applied technology, including on-line payment of fines and on-line applications for powers of attorney, to reduce costs and the administrative burden. We are reviewing other key processes and expenses, such as postal costs and legal publications, to reduce the amount we spend in these areas. Substantial savings have already been achieved through the retendering of contracts, and the use of collaborative contracts with other public bodies. We have also taken on responsibility for managing the estate of the Crown Office and Procurator Fiscal Service as part of a shared service agreement which

¹⁵ This represented 8% of the total full time staff equivalent.

allows us to share resultant financial savings. We are an exemplar in the public sector in achieving reduced utility costs and emissions through investment in energy efficiency projects.

1.36 Even taking account of the full range of the savings already achieved and anticipated, on any realistic assessment we will have to find additional savings of around £1.5 to £2 million per annum by the end of the current budget period.

1.37 When considering what else could be done to reduce running costs, we have been cautious to avoid undermining the essential effectiveness of the administration of justice. We could, for example, restrict further the sitting of part time judicial officers, primarily part-time sheriffs, to an absolute minimum. This could produce savings in the region of £1.4 million a year. But such a reduction would impact significantly on the programming of court business, and we estimate the period between the first calling and trial of a summary criminal case would increase by around five weeks a year. Delays would also be experienced in scheduling civil business and sheriff and jury trials.

1.38 We would need to lose another 100 staff on top of the reductions already achieved to secure the level of cost saving required. While this could produce savings of £2.2 million a year, it could not be achieved without a further voluntary redundancy scheme, and potentially compulsory redundancies. Such schemes have significant and unavoidable upfront costs, and there is a risk that the further loss of experienced and technically knowledgeable staff would impact on the capacity of the courts and court offices both to operate effectively day to day, and to support the introduction of the reforms. Inadequate resources for these key functions could be expected to have an adverse effect on the morale of staff and on judicial confidence in our ability to fulfil our statutory responsibility to support the operations of the courts.

Part 2

The Response

Introduction

2.1 In this Part we set out how we propose to meet the challenge outlined earlier, namely to provide a court structure that (a) provides Scotland's citizens with services and facilities consistent with the standards of a modern system; (b) is ready to support the anticipated reforms effectively, and (c) is affordable within the reduced budget available to us.

2.2 The current court structure supports the single tier generalist sheriff dealing with all business locally. The demands on the individual courts are largely imposed by the local jurisdiction, although in a number of courts sittings of the High Court have to be accommodated. In as many places as the existing accommodation allows, the justice of the peace court has been accommodated within the sheriff courthouse. In a few places this has not been practically possible, and the justice of the peace court continues to sit in a separate building.

2.3 The reforms present a much less simple structure to support. A central personal injury court has to be accommodated; programming sheriff and jury business on a sheriffdom basis and into courts with the necessary facilities means that capacity at those courts must be assured. As sheriffs specialise in particular court business, capacity and appropriate facilities at the places where those specialist sheriffs are located will need to be provided for the litigants involved in those areas of business.

2.4 Summary sheriffs will preside over the high volume summary work of the sheriff courts. The volume of this business, its local connection, and its implications for a great number of people, particularly victims and witnesses, convince us that having facilities locally to deal with this business remains the most appropriate way to provide access to summary justice.

2.5 The jurisdiction of the locally based justice of the peace courts is unchanged by the proposed reforms, and it can be anticipated that Government will continue to ensure that criminal matters are dealt with at the most appropriate level, and that over time this might increase the case load of the justices.

2.6 The challenge is to provide capacity at appropriate places within the current range of court locations, to deal with the various types of business.

2.7 Assessing capacity involves a range of factors. The number of court sitting days that can be held at a court location is one consideration.¹⁶ The amount, flexibility and standard of ancillary facilities must also be taken into account, as this may restrict the quantity or range of work that can be dealt with satisfactorily in a courthouse. It is for example necessary to

¹⁶ For planning purposes the court day is taken as beginning at 10 am and ending at 4 pm, with a one hour lunch adjournment. In some courts the practice is to begin certain types of business at 9.30 am.

make allowance for the fact that not all courtrooms are designed to deal with criminal business, and considerations of safety for court users can therefore limit their use. When considering court workload, and the sitting days required to dispose of that workload, consideration has to be given to the experience of the proportion of cases set for trial or proof that plead or settle at a late procedural stage, so as to avoid overprovision. Plea and settlement rates will differ from court to court. Only trials and proofs in which evidence is led will take up a significant amount of court sitting capacity. Experience of such factors, and the projections and assumptions about the effect of the reforms, should also be taken into account when considering potential capacity.

2.8 An important consideration in working to achieve the balance of court capacity to business need, is the increasing requirement to improve services for victims and witnesses, and to examine greater use of video-conferencing technology for the conduct of court proceedings. While video-conferencing can create the need for additional accommodation, it also has considerable potential to reduce the need for victims, witnesses and accused to be present in the courthouse during proceedings. Work is ongoing, under the auspices of the Scottish Government's *Making Justice Work* programme, to develop further the use of video-conferencing technology in the court process.

2.9 The proposals in this paper are informed by an assessment of courthouse capacity. In carrying out that work we have involved local sheriff clerks and have taken into account the views of Government, the Crown Office and Procurator Fiscal Service and the Association of Chief Police Officers in Scotland on projected future workloads. We have also consulted sheriffs principal, who have a statutory responsibility for securing the efficient disposal of business in the sheriff courts of the sheriffdom.¹⁷ The Sheriffs Principal consider that views on the proposals should be sought before any final decision is made, and they are content that our proposals in this paper go to public consultation.

2.10 Our conclusion is that it is possible to order business throughout the country in a way that both meets the challenges we face, and moves us towards our longer term vision. The way we will do this involves a degree of rationalisation of the court estate. This will be a gradual process. The consolidation of jury business in fewer centres, which we propose later in this paper, will depend both on the implementation of the reforms recommended by Sheriff Principal Bowen, and the deployment of summary sheriffs releasing sheriffs from summary business. Some of the courthouse closures which we propose will depend on the experience of preceding moves. For example we would wish to allow the transfer of the business of Hamilton JP Court into the sheriff courthouse to have time to settle before considering transferring in the business of Motherwell JP Court into Hamilton Sheriff Court. And in Airdrie Sheriff Court District, our proposal will be first to consolidate the business of Cumbernauld and Coatbridge JP Courts in Coatbridge, and allow a period before considering the practicality of transferring the combined business into the sheriff courthouse at Airdrie.

2.11 The approach we have taken allows us to preserve the essential judicial and staff resources to operate the system as a whole, and to allow future investment, particularly in

¹⁷ Section 15(1) of the Sheriff Courts (Scotland) Act 1971 (c.58)

facilities for jurors, victims and witnesses and in communication technology, to be targeted across a smaller group of buildings, maximising the benefit of that investment in the services delivered to court users. We are clear that we cannot provide better access to justice by avoiding change. We are not abandoning any area of the country, although we recognise that in a few places the justice system will need to be accessed in different ways.

2.12 In approaching the challenges we have kept in mind our longer term vision for a court system that fully supports the provision of access to justice. Its structure is shaped by the *Principles for provision of Access to Justice*.¹⁸ This is our vision:

Only those matters that cannot be resolved by means other than a judicial process should be brought within the court system, and of these as many procedural stages as is consistent with the interests of justice should be capable of being dealt with by a method other than a personal appearance in a courtroom.

The first choice of those who have administrative business to conduct should be the use of technology: electronic communication, web-based systems, telephone and video-conferencing.

When there is an unavoidable purpose in coming before a court, as many of the participants as would be consistent with the interests of justice should be able to appear through a live video link. We anticipate, at least for the medium term, that in a trial or proof most participants would need to appear in the courtroom, and that the use of live video-link would tend to be used only by witnesses.

To support those occasions when a courtroom appearance is required, a network of appropriate court facilities would be available.

Justice centres would provide highly specialist and comprehensive facilities in support of the more serious criminal and civil business, not only in relation to traditional court services, but incorporating the full range of services required to provide an holistic support to those who come within the justice system. Livingston Civic Centre offers a good model that we would wish to see developed and replicated.¹⁹ A wider network of smaller court facilities would provide access to summary justice. These smaller facilities, and the frequency of court sitting days, would be tailored for the volumes of business from the areas served.

The specialist justice centres would be situated so as to serve the main population centres of Scotland.²⁰ The wider network of smaller facilities could range from a complex of courts served by resident members of the judiciary to small sitting

¹⁸ These principles have been set down by the Lord President and the Sheriffs Principal and we must have regard to them when considering the places in which courts should be located, and the court services that should be provided. The principles are reproduced in full in Appendix A.

¹⁹ See Footnote 21

²⁰ Edinburgh, Livingston, Glasgow, Paisley, Dumbarton, Kilmarnock, Airdrie, Hamilton, Ayr, Dumfries, Perth, Dundee, Falkirk, Dunfermline, Aberdeen, Inverness.

centres for courts to be held by visiting members of the judiciary. Accommodation could be shared with other public services, or in some circumstances rented on a short term basis for particular cases.

Some travel to courts within both networks would be necessary as an unavoidable consequence of the need to target the investment of public funds in the most effective manner, but we would look to mitigate this as far as possible by using new technology.

As it would be impracticable for the users of the courts in Lerwick, Kirkwall, Stornoway, Lochmaddy and Portree to travel to a mainland court and return home on the same day, a court facility would continue to be provided in each of those locations, with particular arrangements being made to deal with significant business as the need arose.

The emphasis in all court sites would be on sharing facilities with other justice organisations to provide a better justice service overall to court users.²¹

2.13 Achievement of our longer term vision will require significant future investment. Our proposals in this consultation are for more immediate change that is consistent with that vision.

Approach and Guiding Principles

2.14 In drawing up the proposals in this paper we have had regard to the *Principles for provision of Access to Justice*. These principles have been set down by the Lord President and the Sheriffs Principal and we must have regard to them when considering the places in which courts should be located, and the court services that should be provided. The Principles are reproduced in full as Appendix A.

2.15 We approached the challenge by considering four questions:

- (a) Could the High Court Circuit be reduced, and if so where should it sit?
- (b) Could sheriff and jury cases be consolidated into fewer centres, and if so where should they be?
- (c) Could we manage with fewer buildings where we have more than one in any town or city?
- (d) Could we manage with fewer courts where we have more than one with a reasonable travelling distance?

²¹ This model for this approach to service delivery is Livingston Sheriff Court. There the court complex is part of the civic centre which also houses the offices of West Lothian Council, the procurator fiscal, the reporter to the children's panel, West Lothian Community Health Partnership and the divisional headquarters of Lothian and Borders Police. .

2.16 There is an inter-dependence among these ideas. For example, removal of a sheriff court from the High Court Circuit might be necessary to free up capacity to take sheriff and jury work from another court location. Our proposals should therefore be considered as a package of measures.

Discussions with others

2.17 As we developed our proposals for consultation, we engaged in discussion with the judiciary, our own staff and with other justice bodies. Representatives of key justice bodies, including the Crown Office and Procurator Fiscal Service, the Association of Chief Police Officers in Scotland, the Scottish Legal Aid Board and the Scottish Prison Service have been involved in the work as part of the Scottish Government's *Making Justice Work* programme.²² More recently we held a series of dialogue events around the country to discuss ideas with the legal profession and representatives of those various other bodies that are associated professionally with the court system or represent the interests of court users.

2.18 The purpose of these engagements was to hear from those who work in the current system their views on how the courts should respond to the challenges, and to identify alternative or better solutions. The events proved extremely worthwhile, and we gained a lot of information and insight. We prepared a summary of the discussions and this is published on our website.²³ The development of the proposals on which we now consult benefited greatly from our discussions around the country, and we would take this opportunity to thank all those who gave of their time to assist us in this way. In the following section we set out the key themes that arose during the events, and how we would respond to the issues raised.

Openness and Opportunity

2.19 A recurring theme from our discussions and at the events was a need for an overall strategic review of the Scottish justice system, with its focus on the people involved and the outcomes to be achieved, not merely on the processes and physical attributes of the system.

2.20 The Scottish Government has recognised that keeping people safe, ensuring they can exercise their individual and collective rights and helping to resolve disputes fairly and swiftly are important pillars on which to build a flourishing economy. In Scotland we have a legal system that has a strong tradition and has served us well for many centuries. It is important that we continue to develop our world renowned legal system so that it is fit for the 21st century. To further this aim, the Scottish Government has embarked on a series of national programmes which will deliver the most radical set of reforms to our courts and tribunals in over a century. The *Making Justice Work* programme will deliver improvements to Scotland's civil and criminal justice system by improving procedures and case

²² There is more information about *Making Justice Work* on page 8.

²³ [Summary of dialogue sessions](#)

management, widening access to justice and establishing a Scottish Tribunals Service. It will also deliver significant changes to court structures, based on proposals put forward by Lord Gill.

Realisation of potential of earlier reforms

2.21 There was a feeling that the potential benefits from the reforms over recent years (such as those on disclosure and case management) had not been fully realised, and that this should be done before further reform was contemplated.

2.22 The previous reforms have made a significant impact. Lord Bonyon's reforms in the High Court have given more certainty about when trials will proceed, and consequently a highly positive impact on witnesses. The establishment of justice of the peace courts put in place for the first time a unified court administration across all of Scotland, where all summary criminal business now benefits from improved facilities, integrated technology and common systems. However we recognise that there is more still to be achieved, and the Scottish Government's *Making Justice Work* programme is taking account of the published evaluation of summary justice reforms to ensure that opportunities that were identified are actively pursued.

Realisation of potential within current structure

2.23 There was a view that more could be done to maximise the efficiency of the current structure to create savings. This would obviate the need for what some saw as too radical a set of proposals, coming at a time when there was little money to invest in the success of the reforms.

2.24 That more can be done to maximise efficiency is fully acknowledged. Pursuing efficiency from court structures is only part of what we have done to achieve savings within the Scottish Court Service. The wider cross-justice reforms will influence radical reform and improvement across the whole justice system. Our work on court structures is designed to support and facilitate that reform programme and deliver improvement and efficiencies that go beyond those directly related to court structures.

Capacity

2.25 Attention was drawn to current pressures on a number of courts to accommodate business, and the limitations on their capacity to absorb more work. This was a particular concern in the context of moving business from one court to another to allow for closure of a court or the setting up of a specialist centre. Ensuring that there was adequate capacity in any court that was to receive additional business was considered to be crucial to the proposed reforms.

2.26 Court capacity has been a key element in identifying specific proposals for court closures and the reallocation of business. There would be no sense, and no benefit for us, simply to overload courts to a level that was unmanageable. For these reasons some of our initial ideas have proved to be unworkable and will not be pursued. We have undertaken

detailed analysis with sheriff clerks to ensure that the majority of proposals in this consultation can be achieved within the available capacity; where we have concerns about capacity, we have identified against individual proposals where additional capacity or investment might be required.

Children and Young Offenders

2.27 There was concern that the particular considerations of children and young offenders were not reflected in the paper produced for the events. There was a call for this to be addressed at later stages of the consultation. We are seeking views as part of this consultation on whether there are specific issues that we need to take account of when progressing the proposals, to reflect the needs of particular court users, including children and young offenders. We will also engage with organisations representing the interests of specific groups.

Inadequate Data

2.28 A further theme was a criticism about the lack of detailed data on which to consider and challenge the thinking in the background paper for the events.²⁴ Some felt that an adequate assessment of what was being considered could not be made without an analysis of the costs and benefits.

2.29 This consultation paper contains information on the financial impact for us, and what these proposals mean for other justice organisations. We see clear financial benefits for the Scottish Court Service; other justice organisations are confident that the proposals will either be cost neutral or will generate moderate savings for them.

Economic costs for communities

2.30 Some who attended the events considered that the presence of a court in a local community had a positive impact on the local economy and that the consequences for such economies were a court to be closed should be taken into account in any consideration.

2.31 Our overall assessment is that any economic impact from court closures will be localised, minimal and short-term. More detailed information on this consideration is set out in Part 7.

Decreasing the demand

2.32 There were two specific issues about demand.

2.33 The first considered how to keep both civil and criminal cases out of court. In civil matters there was a view the aim should be to move away from the current default position of litigating. Greater use of mediation and additional dispute resolution should be encouraged, and some considered that this should be introduced as a compulsory step before proof was allowed. In criminal matters the discussions ranged from looking to

²⁴ [a dialogue on a court structure for the future](#)

policies that would reduce offending behaviour in society, to practical arrangements such as increased diversion.

2.34 The second strand considered the steps that could be taken to reduce the demands on the system in those matters that properly should come into the court process. There were many practical ideas around case management, video communications, the transaction of certain business on line, the centralisation of bulk services such as commissary and litigation for the recovery of debt. There were also ideas around ways to narrow the issues coming before the court through greater judicial control of cases, perhaps through having a personal list of cases and a system of judicial triage. There was a feeling that much could be achieved by rule changes.

2.35 While there was considerable support for the use of video and other communication technology to limit the number of in court appearances, reduce travelling, and generally to manage business more efficiently, this was tempered by a call for better investment in both the equipment and technology, and also in the arrangements for supporting the smooth technical operation of the system.

2.36 Although not the focus of this consultation document, overall we support measures that can help to reduce the volume of cases coming to court and reducing the requirement for people to physically attend court. These issues are being addressed as part of *Making Justice Work*.

Increased travel distance and cost

2.37 Of all the themes, this perhaps stirred the strongest concern. Increased travelling was seen as a consequence of the thinking about centralising sheriff and jury business within sheriffdoms, the creation of courts served only by a summary sheriff with a limited civil and administrative jurisdiction, and the closing of court locations. There was a concern that the current ideas, if taken to their conclusion, would simply transfer costs to other participants in the system.

2.38 We accept fully that a move to more specialised centres and possible court closures will, in some cases, result in addition travel distance and cost. The proposals for the High Court would affect only a small number of users in this way, and we have to balance this with the fact that this is a very specialised service, and for most people a once in a life time experience.

2.39 Proposals for the justice of the peace courts are perhaps less of a concern as the same communities are already travelling the same distances to access the services of their sheriff court. For proposed sheriff court closures we have identified in this consultation the largest population communities within the sheriff court district, along with the most outlying population and provided information on the distance, time and costs involved before and after these proposals. This gives a sense of proportion to the effect of our proposals on travel arrangements. We acknowledge that some people will be disadvantaged, while others will have lower travel costs and distances as a consequence of our proposals. Other than for the most outlying areas, the distances involved are reasonable and are consistent

with the judicial *Principles for provision of Access to Justice*.²⁵ There was also concern that increased travel to court would encourage non-attendance. We note that similar fears were expressed in the context of the establishment of justice of the peace courts and the unification of the court administration. Our experience is that these fears were not realised.

2.40 The greatest impact on travel distances would result from the proposals for a smaller number of specialist centres. While we see this as a logical direction to follow, we accept fully that it will take a number of years to achieve and, particularly in more rural areas, would be dependent on future opportunities to allow court users to engage through video conferencing or other technologies.

2.41 We also ask in this consultation whether there may be certain areas of the country where for practical reasons it may be sensible to consider changes to the sheriff court districts. For example improved transport links since the boundaries were last drawn might mean that some communities would be able to travel more easily to a neighbouring sheriff court district.

One size does not fit all

2.42 A common theme at all of the events was that in a country as geographically and demographically diverse as Scotland, different ways to deliver services were going to be required. What was appropriate for the central belt was not necessarily going to deliver services effectively in the remoter rural parts of the country. There was much support for making use of buildings that were not of a traditional court house design.

2.43 We agree that one size does not fit all and that we will need to find the right balance between achieving specialist centres and a network of smaller courts delivering local service. For those services that are not local we will look to technology to provide a different kind of access and opportunities to share accommodation with other public bodies, although this is easier to achieve for civil business where we do not have a same security constraints as with criminal business.

Specialisation v local provision

2.44 Establishing regional centres of specialism was seen as generally positive; but there were reservations. Such centres were seen as having potential to improve the consistency and quality of service in an area, and thereby increase public confidence. The model would also offer opportunity to programme and manage strands of business more efficiently.

2.45 We would need to ensure that this did not lead to a shortage of skill in the judiciary, court staff and legal profession locally; while recognising that for many there would undoubtedly be more focus on narrower areas of specialisation. To ensure that the public had access to advice about, or to litigate within, a specialist area of law, we would need to balance the frequency of demand with the additional travel, while again considering alternative access routes through video conferencing or telephone conferencing.

²⁵ Appendix A

Part 3

The Proposals

The High Court Circuit

3.1 The modern High Court Circuit comprises permanent sittings in Glasgow and Aberdeen (where there are dedicated buildings for the High Court), and periodic sittings in eight sheriff courts, as the business of the High Court demands.²⁶

3.2 In Edinburgh, the High Court occupies its own building in the Lawnmarket, and also sits routinely in one court within Edinburgh Sheriff Court.

3.3 The High Court deals with the most serious of crimes and offences. Trials are frequently lengthy, and require a level of security not necessary in any other proceedings. The dedicated buildings in Edinburgh, Glasgow and Aberdeen, provide the necessary security and supporting facilities for such business. The three buildings have a total trial court capacity of 2,750 days. To supplement this, the High Court currently requisitions court sitting time at those sheriff courts on the Circuit. In 2012 the eight circuit courts were asked to provide a total of 620 sitting days as potential High Court days. Once requisitioned these days are not available to the sheriff courts for their own business. This adds to local pressures, and can inhibit the expeditious processing of sheriff court cases. This consequence is aggravated by the expectation that in any year the High Court will not use the full number of requisitioned days.

3.4 The number of cases being brought before the High Court has decreased over recent years, partly as a consequence of the increase in the sentencing power of sheriffs from three to five years. Further reductions could be expected were the sheriff's sentencing powers to be increased. During the year 2011/12 the High Court dealt with 792 indictments. This represents 12% of all cases dealt with that year under solemn procedure. Of the cases brought before the High Court in that year, evidence was heard in 40% of them. A total of 2,733 court days were required to deal with the first instance business of the High Court in 2011/12.

3.5 The sitting pattern for the High Court is that on average a total of 11 courts sit each week at the three dedicated centres, and a Circuit court sits in one, occasionally two and at most three, of the sheriff court circuit locations. While the historic intention was that the High Court would deal with serious crime locally so that justice would be seen to be done, there is no longer necessarily a local connection between the crime being tried and the High Court venue. The desire that the High Court should deliver justice locally, and thereby provide a deterrent to local lawlessness, has its origins in the 17th Century, and is arguably less relevant in modern times when the rule of law is firmly established throughout the

²⁶ The Circuit locations are: Dundee, Dumbarton, Dunfermline, Inverness, Kilmarnock, Livingston, Paisley and Perth

country, and modern 24 hours a day news and internet broadcasting readily convey information about court proceedings heard around the country.

3.6 The use of local sheriff court locations for High Court business is restricted by certain practical considerations. In most of the eight circuit court locations, the High Court sits once in every three months. The duration of the sitting is routinely three weeks. Cases in which the expected duration is uncertain or likely to exceed or come close to three weeks will not be allocated to the circuit; nor will cases where security or other logistical considerations, for example the number of accused involved in any case, or the number of witnesses anticipated to be called, are such that the court and available ancillary accommodation would be unable to provide the level of service expected by those attending a High Court venue.

3.7 A three monthly sitting pattern also reduces significantly the likelihood that it would be possible to assign a local case for trial at a circuit, as a trial diet should to be assigned within four weeks of the preliminary hearing.

3.8 This analysis suggests that the traditional purposes of the High Court Circuit have diminished in significance, and its current configuration has inherent practical limitations and creates inefficiencies both for the business of the High Court and that of the sheriff courts.

3.9 It seems to us therefore that there is scope to address these issues by restricting the routine sittings of the High Court to the three dedicated buildings in Edinburgh, Glasgow and Aberdeen, and to provide the necessary additional capacity to enable High Court trials to be dealt with in accordance with the statutory timescales, at sheriff courts in the east and west of Scotland. However, while the reforms are developing and progressively being implemented, a number of courts will continue to have capacity to accommodate High Court business. Our proposal therefore would be to provide additional capacity initially from a bank of courts, moving to a position where two of these courts would provide most of any required overflow capacity.²⁷

3.10 We recognise that occasions will arise when the Lord Advocate may wish to exercise his powers to requisition a sitting at another place, or when, in the interests of the administration of justice, the Lord Justice General considers a High Court should sit at a particular place.²⁸ The system is flexible enough to allow for such exceptions.

3.11 Dealing with business through fewer locations sitting on a daily basis, or for significant continuous periods, offers the opportunity to manage the overall business more efficiently. In such an arrangement, there are, for example, greater opportunities to bring forward cases to take up capacity that is made available through early conclusion of other business, and for continuing cases for short periods to allow progress with preparatory work. There can be more judicial management, which should increase the prospect of a case beginning

²⁷ The bank of courts would be: Greenock, Paisley, Dumbarton, Livingston and Dunfermline.

²⁸ See section 2(2) of the Criminal Procedure (Scotland) Act 1995 (c. 46)

at its allotted time, and proceeding at that time, thus avoiding unnecessary attendance and waiting for victims, witnesses and jurors.

3.12 We recognise that reducing the number of places where High Court trials will be heard may have consequences for those who have to attend such trials. There is a degree of travelling under the current arrangements, with examples of Aberdeen cases being held in Perth or Inverness, and a Stornoway case being heard in Paisley. We accept however that although the High Court centres that are proposed are located on main transport links, some will be travelling further than they might at present. We have already noted that there will be flexibility in the system to accommodate cases that might arise in the remotest parts of the country. And we should not lose sight of the reforms to the system of justice that our proposals seek to support. Significant among these will be greater opportunity to make use of live television links to allow participation in proceedings without the need to travel to the courthouse at all. Greater agreement between parties following disclosure of evidence will also reduce the number of witnesses having to appear in court. We would also observe that involvement in High Court proceedings is unlikely to be a routine occurrence for most citizens.

3.13 We should not leave this proposal without commenting on how our proposals will affect the provision of jurors. As we have noted less than half of the cases that come before the High Court proceed to a stage when evidence is led before a jury. This amounts to just over 315 cases a year.

3.14 At present jurors for the various circuit locations are drawn from within the sheriffdom where the High Court is sitting. Reducing the number of places where the High Court sits could therefore place a disproportionate burden on the list of prospective jurors within the main centres. It is important that the citizen's right and obligation to participate in the jury process is recognised; it is equally important that this obligation does not become disproportionate: for example by requiring a prospective juror to travel more than a reasonable distance. The existing legislation seems to us to provide an appropriate way to provide balance in these matters. Section 84 of the Criminal Procedure (Scotland) Act 1995 (c.46) confers powers to determine the numbers of prospective jurors that need to be summoned to any sitting of the High Court, and provides that the Lord Justice General, whom failing the Lord Justice Clerk – the two most senior judges – may give directions as to areas from which, and the proportions in which, jurors are to be summoned to the High Court. This seems to us to provide a sound and proper basis on which to regulate the provision of jurors for a restricted High Court Circuit. We say more about the proportion of potential jurors that will be affected by our proposals later in the paper.²⁹

²⁹ See page 30

Proposal 1

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.

Question 1 Do you agree with the proposed structure of sittings of the High Court at first instance?

Question 2 If you disagree with the proposed structure of sittings of the High Court at first instance, or a specific aspect of the proposal, please say:

- (a) why you disagree, and
- (b) how you would prefer the sittings structured, being as specific as you can about how your preference would operate in practice.

Question 3 What impact would our proposals for High Court sittings at first instance have on you?

Please give reasons for your answer.

Consolidating sheriff and jury business and other shrieval specialisation

3.15 In the present structure, facilities for sheriff and jury trials are available in 47 of the 49 sheriff courts.³⁰ The court accommodation in Peebles and Rothesay cannot support the holding of a jury trial. Trials arising from these districts are heard in Edinburgh and Greenock Sheriff Courts respectively.

3.16 In our new and refurbished court buildings, appropriate facilities for creating a secure and safe environment for witnesses, victims, jurors and others who attend in connection with serious criminal matters have been provided. In many of the older court buildings, however, limitations of accommodation can compromise such considerations as the separation of parties and the segregation of witnesses. Our opportunity for further building and refurbishment has been very severely curtailed by the budgetary settlement outlined on page 12. There is therefore a need to look at ways of improving the provision of sheriff and jury services in the medium term through targeted investment of the lesser resources available.

3.17 The provision of jury facilities in local sheriff courts reflects the tradition that all types of sheriff court business are delivered locally by a resident sheriff.³¹ Sheriff and jury work is generally programmed on a local court basis, although in some sheriffdoms arrangements are in place to facilitate the transfer of business between courts as necessary to manage pressures, to prevent delay and avoid the loss of cases owing to time bar. These arrangements recognise the flexibilities inherent in managing the totality of a class of business as a whole, rather than in fragmented parts. In his independent review of sheriff and jury business, Sheriff Principal Bowen QC recommended that the programming of sheriff and jury business should be structured with regard to the available capacity within a sheriffdom.³²

3.18 Sheriff Principal Bowen also recommended a number of measures to improve the efficiency of sheriff and jury business. There are recommendations to strengthen judicial management of the progress of a case, with a specific recommendation that recognises the benefits of continuity of presiding sheriff at all procedural stages. He also recommended that the programming of sheriff and jury business should be structured with an overview of available capacity within the sheriffdom. It seems to us that the measures which Sheriff Principal Bowen recommends could have more impact on the efficient disposal of this class of business were the totality of sheriff and jury business within a sheriffdom managed at fewer court locations within a sheriffdom.

³⁰ Lochgilphead is also a place where a sheriff court sits. For administrative purposes, this is an annexe of Dunoon Sheriff Court. The accommodation there is suitable only for summary business.

³¹ In some sheriff court districts the resident sheriff may not sit at a particular court every day, and may be based at another court in the sheriffdom, visiting only on court days. The sheriff is nevertheless the permanent sheriff for that court, delivering all aspects of justice to the community.

³² Page 108, recommendation 24 ; [Review of Sheriff and Jury Procedure](#)

3.19 There is a further factor when considering whether the current structure for supporting sheriff and jury business should be reviewed. This is the proposal to introduce into the sheriff court a new judicial officer, namely the summary sheriff. This reform will allow sheriffs to concentrate on the more complex and serious matters, increasingly providing a specialist judicial service to court users. The introduction of summary sheriffs, who will undertake a considerable proportion of the work of the sheriff courts, means that the number of sheriffs will progressively diminish, as summary sheriffs are appointed and deployed. In paragraph 2.4 of this paper we outlined why we feel there are good reasons to continue the delivery of summary justice at a local level.

3.20 Taking all the factors we have outlined in this section together we feel there is an opportunity, as summary sheriffs are deployed to local courts, for sheriffs to move to the courthouses where jury business can be heard in facilities appropriate for that business. We would anticipate the sheriffs within a sheriffdom, becoming based within these courts, and increasingly specialising in solemn criminal and the civil matters outwith the jurisdiction of the more locally based summary sheriffs. The views we have so far received suggest to us that judicial specialisation is broadly supported, and is seen to offer litigants and others access to a degree of expertise and consistency that is not so easy to develop within the current structure.

3.21 We accept there is an alternative structure in support of the exercise of the sheriff's civil and administrative jurisdiction. This would involve the sheriff routinely travelling to the local courts to deal with the civil, administrative and miscellaneous business beyond the jurisdiction of the summary sheriff. Superficially this might seem a better service to local communities, and it would certainly reduce their need to travel further to court, but having business set aside to wait for the sheriff to arrive in town seems to us simply to build in delay and to be redolent of a previous age. Moreover such an arrangement would be an inherently inefficient use of limited judicial time as it would take a considerable amount of that time to deal with relatively small amounts of business at a number of local courts. Drawing business from a number of local courts into a single point creates a critical mass of business that could be dealt with flexibly by the available judicial resources at the central court: in much the same way as a general practitioner can provide a service to many more patients in the surgery than on a round of house calls.

3.22 In preferring the central approach we are recognising and anticipating the development of rules and procedures that will allow as much civil business as possible to be conducted through electronic and video conferencing technology, where such an approach is consistent with the interests of justice. In this way distance from the central court should be no bar to access to justice.

3.23 Where would these centres be? The following table shows the volume of solemn business in the sheriff courts over the six years to 31 March 2012, and the sitting days for the last three years. In the year to 31 March 2012 19% of the indictments registered went to a trial before a jury.

Sheriff Court (Solemn)	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12
Indictments, registered	6,304	6,503	6,293	6,211	5,506	5,815
Trials, evidence led	848	552	1,055	1,070	1,166	1,128
Sitting Days (trial)				4,218	4,176	4,127
Sitting Days (non trial)				883	1,217	1,028
Sitting Days (Total Solemn)				5,101	5,393	5,155

3.24 A total of 5,155 sitting days is equivalent to around 21 courtrooms dedicated to this business in a year. Having considered the capacity of the existing court provision, and taken account of the efficiencies that will progressively be introduced into the system of sheriff and jury business through the implementation of Sheriff Principal Bowen's recommendations, we are confident that a movement of sheriff and jury work into the following courts is a sensible and realistic way to proceed. The sheriff courts that would assume responsibility for sheriff and jury work would be: Glasgow, Aberdeen, Inverness, Edinburgh, Livingston, Paisley, Dumbarton, Kilmarnock, Airdrie, Hamilton, Ayr, Dumfries, Perth, Dundee, Falkirk and Dunfermline.³³

3.25 We should say that we recognise the strength of comments made to us that Kirkcaldy would be a more appropriate location for a sheriff and jury centre serving East Fife. Our current difficulty is that the accommodation available at Kirkcaldy is not of the standard we would wish for a sheriff and jury centre, and significant funding would be required to bring the facilities up to the required standard. While it may be, therefore, that in the longer term Kirkcaldy would become the sheriff and jury centre for the area, we consider it is more realistic to designate Dunfermline as a compromise location for the medium term.

3.26 Moving to the sixteen court arrangement would be a gradual process. While some changes may occur in early course, progress would be dependent on the rate of appointment and deployment of summary sheriffs, the necessary capacity in the main centres becoming assured, which itself may be dependent on other changes proposed in

³³ Sheriff and jury business would continue to be heard in the sheriff courts at Lerwick, Kirkwall, Stornoway, Lochmaddy and Portree, as required.

this paper, and the development of communications technology and procedural change to improve the efficiency of the process. Taking all these factors into account, we feel it would not be unrealistic to proceed on the basis that by 2022 all solemn business would be dealt with at these sixteen courts, recognising that a sheriff principal would retain an inherent power to hold a jury trial or civil hearing at any court in the interests of the administration of justice.

3.27 We accept that a more centralised approach to the delivery of sheriff and jury business and, progressively, as the cadre of summary sheriffs builds up, the increasing development of specialist centres for business outwith the jurisdiction of the summary sheriff, may increase the travel distance for some of those attending court for that business. The centres reflect the concentrations of population in Scotland and the places to which those in more rural areas travel to access specialist services. The reforms which we anticipate in the use of video and internet technology to reduce or eliminate the need for personal appearance at a courthouse will mitigate the effects of our proposals. And we are continuing to provide local access to summary justice, which is the court business most citizens will encounter. The balance is to make available where we can and with available resources, court services of the highest quality for all those who are brought, or who bring themselves, into the justice system, and in support of sheriffs who will increasingly specialise in the more complex areas of law. The compromise, and we recognise it is a compromise, is that some may have to travel further for that level of service. But if we do not make this change, we will not be in a position to replicate the standard locally.

3.28 We say more about the proposed structure of courts in individual sheriffdoms in the next part of the consultation paper. Two concerns of a general nature that have been raised are dealt with in the remaining paragraphs of this section.

3.29 The first concern is that drawing sheriff and jury business and other aspects of the sheriff's jurisdiction into a few specialised centres, would reduce the relevance of local knowledge across the courts, and create the potential for a loss of skill among the judiciary. This is a valid concern, but the implications for the judiciary of the justice system reforms which have been outlined earlier will be significant. The creation of centres for sheriff and jury business is only one part of these wider changes. Consideration will have to be given to how judicial training and judicial career development may need to change in light of the reforms and any specific changes that may come from the court structure proposals. We would also observe that if summary sheriffs are introduced, the transition to the new judicial structure may take ten years or more, and there will need to be a plan for maintaining the skills of sheriffs in smaller courts during that transitional period. These are matters beyond our responsibilities.

3.30 Concern has also been expressed that a more centralised arrangement for jury trials would adversely affect the opportunity for citizens to serve on a jury. Each year around 4% of those who are eligible for jury service are cited to serve. From those cited, around 21,000 people (that is 0.5% of the eligible population) are actually required to serve as members of a jury each year. We estimate that if the current proposals were adopted, around 3,000 people (about 0.08% of the eligible population) would serve in a court other than the one in

which they would currently serve. The catchment areas for jurors would be very much dependent on the final configuration of courts, but as around 86% of all sheriff and jury business is already conducted in these sixteen courts, the vast majority of jurors would be unaffected by the current proposals to consolidate sheriff and jury business.

Proposal 2

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.

Question 4 Do you agree with the proposals for a supporting court structure for sheriff and jury business?

Question 5 If you disagree with the proposals for sheriff and jury business, please say:

(a) why you disagree, and

(b) how you would prefer the provision of court facilities for sheriff and jury business to be structured, being as specific as you can about how your preference would operate in practice.

Question 6 Do you agree with the proposal that the sheriff and jury centres should become centres of specialism in the civil, administrative and miscellaneous jurisdiction exclusive to sheriffs?

Question 7 If you disagree with the proposal that sheriff and jury centres should become centres of shrieval specialism, please say:

(a) why you disagree, and

(b) how you would prefer the exercise of the sheriff's exclusive civil, administrative and miscellaneous jurisdiction to be structured, being as specific as you can about how your preference would operate in practice.

Question 8 What impact would the hearing of sheriff and jury business only in these sixteen centres have on you?

Please give reasons for your answer.

Question 9 What impact would shrieval specialisation based in the sheriff and jury centres have on you?

Please give reasons for your answer.

The Justice of the Peace Courts

3.31 In 2007 the scheme of summary justice in Scotland was reformed. The district courts, established in 1975 and administered by the local authorities, were replaced by justice of the peace courts. The district courts were disestablished incrementally, and justice of the peace courts established in the sheriff court districts. This process was completed in 2010. Responsibility for the administration of the justice of the peace courts in any sheriffdom became the responsibility of the sheriff principal.³⁴ As a consequence of these changes, the Scottish Court Service assumed the administration of the justice of the peace courts in its supporting role to sheriffs principal.

JP court occupying separate premises in the same town as the sheriff courthouse

3.32 On the transfer to the new justice of the peace court structure, we took over a number of former district court buildings. Some of these were in the same town as the sheriff court. To improve services to court users and to gain the benefit of reduced cost and the operational efficiencies through having both courts in the one courthouse, we have pursued a policy of progressively moving the justice of the peace court into the sheriff courthouse.³⁵ Only three places remain where a justice of the peace court occupies separate premises in the same town as a sheriff courthouse. These are: Aberdeen, where the justice of the peace court is in Queen Street; Hamilton Justice of the Peace Court which is in Campbell Street, and Kirkcaldy where the justice of the peace court is in St Brycedale Road. We propose to re-locate these three justice of the peace courts in the sheriff courthouse, although making progress is partly dependent on freeing existing capacity in Hamilton and Kirkcaldy, and investing in Aberdeen to provide additional capacity.

3.33 Hamilton presents the fewest practical difficulties, and we plan to transfer the justice of the peace court business into the sheriff courthouse during 2013.

3.34 In Kirkcaldy the volume of business is such that we could not move the justice of the peace court into the sheriff courthouse at this time. As adding to the present sheriff court accommodation is not an option in the foreseeable future, our view is that the necessary capacity to deal with the caseload of the justice of the peace court would become free only by restructuring the court programme and giving consideration to whether areas of Kirkcaldy's current caseload could be dealt with at Dunfermline Sheriff Court.

3.35 The volume of business in Aberdeen is such that we would not be in a position to move the justice of the peace court into the sheriff courthouse at this time. We will discuss later in this paper a proposal to move business from Stonehaven Sheriff Court into Aberdeen. We see that as of higher priority. In Aberdeen we will seek to provide additional court space within the present site of the sheriff courthouse.

³⁴ Section 61 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6)

³⁵ During 2011, the justice of the peace courts in Ayr, Kilmarnock, Paisley and Perth were moved from their separate buildings in the town into the sheriff courthouse. In August 2012, the justice of the peace court in Glasgow moved from St Andrew's Street into the sheriff courthouse in Carlton Place.

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

3.36 Five justice of the peace courts are located in places where there is no sheriff courthouse. These are: Irvine (Kilmarnock Sheriff Court District); Coatbridge and Cumbernauld (both Airdrie Sheriff Court District), Annan (Dumfries Sheriff Court District) and Motherwell (Hamilton Sheriff Court District).

3.37 There is no permanent Scottish Court Service presence in any of these justice of the peace court locations. There is no public counter service; the clerk of court and the administrative staff are based in the sheriff court and travel to court on the days when the court is to sit.

3.38 These courts occupy premises formerly used by the district courts of those areas. The premises were transferred to us when the justice of the peace courts were established. The facilities at each court are below, sometimes well below, the standard appropriate for a modern court facility, and well below the facilities that are provided in the sheriff courthouse for the district. For example, there are significant issues of physical access at Annan, Irvine and Motherwell. There is no segregation at Motherwell, where all court users, witnesses, accused and the public, have to occupy the same corridor. There is generally a lack of adequate interview space, witness facilities and cell accommodation. The courtroom in Annan is a council committee room that is converted into a court as required; the ancillary accommodation has no cells, no toilets for witnesses or the public, and no interview facilities, leaving solicitors and their clients to seek some privacy in a deep window recess in the public corridor.

3.39 When considering how to improve services to the users of these courts we have taken account of three further factors.

3.40 The first is the proximity of the justice of the peace court locations to the sheriff courthouse for the district. The distances are not great. The longest journey, at 16 miles, would be Annan to Dumfries. We accept that for some court users, particularly those from outlying areas of the district, travelling to the town in which the sheriff court is located could increase travel times and distances. However, this is consistent with the journeys these users already make to access services in the sheriff court, and accordingly seems a not unreasonable arrangement.

JP Court	Sheriff Court	Distance to Sheriff Court
Irvine	Kilmarnock	7 miles
Coatbridge	Airdrie	2 miles
Cumbernauld	Airdrie	7 miles
Annan	Dumfries	16 miles
Motherwell	Hamilton	4 miles

3.41 The other factors relate to the volume of business dealt with at these courts. This can be indicated through the number of days on which a court sits, and the number of new cases brought before it.

3.42 None of these justice of the peace courts sits full time. Each is scheduled to sit for three days or less each week. Annan sits only once a month. The sitting days for 2011/12 are set out in the following table.

JP Court	Total JP Sitting Days 2011/12	Sheriff Court District
Irvine	182	Kilmarnock
Coatbridge	156	Airdrie
Cumbernauld	52	Airdrie
Annan	12	Dumfries
Motherwell	156	Hamilton

3.43 The low volume of business is further reflected in the number of new summary criminal complaints being brought before these courts each year. The following table shows the total new complaints during the years 2010/11 and 2011/12.³⁶

JP Court	New complaints 2010/11	New complaints 2011/12	Sheriff Court District
Irvine	1,477	1,313	Kilmarnock
Coatbridge	1,612	931	Airdrie
Cumbernauld	802	477	Airdrie
Annan	79	5	Dumfries
Motherwell	2,191	2,548	Hamilton

3.44 This analysis shows that we are incurring not insignificant costs in keeping these courts in service to deal with a low volume of work in buildings that offer poor facilities and a less than safe environment for court users. The proximity of these courts to the sheriff courthouse reinforces the fact that we are in effect providing a duplication of provision with all the inefficiencies associated with such an arrangement. Taking all factors into account therefore, we propose that the present arrangements should be progressively discontinued and that all the justice of the peace court business for these sheriff court districts should be heard in a justice of the peace court sitting within the sheriff courthouse.

3.45 Achieving this arrangement in the longer term is dependent on there being sufficient capacity in the sheriff courthouses to accommodate the business being transferred. A phased approach would be necessary as the timing of some relocations would be linked to certain of the other changes proposed in this paper. For example, the timing of the move of Irvine's justice of the peace business into Kilmarnock Sheriff Court may be influenced by the timing of the withdrawal of the High Court Circuit from Kilmarnock. We would not consider moving Motherwell JP Court business into Hamilton Sheriff Court ahead of the business from Hamilton JP Court, and until there was operational experience of handling the combined business of those courts.

³⁶ Earlier years are excluded owing to the variations in the dates when JP courts were established.

3.46 In Airdrie Sheriff Court District we would propose first consolidating the business of Cumbernauld JP Court and Coatbridge JP Court in Coatbridge, allowing that arrangement time to settle and only then considering an appropriate time to move all the JP court business for the district into Airdrie.

3.47 We would anticipate all these moves being phased over the two years 2013/14 and 2014/15.

Proposal 3

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

- (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;
- (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.

Question 10 Do you agree with the proposals for the justice of the peace courts at Annan, Coatbridge, Cumbernauld, Irvine and Motherwell?

Question 11 If you do not agree with the proposals, please say:

- (a) why you disagree, and
- (b) what court structure would you prefer to support the business of these justice of the peace courts, being as specific as you can about how your preference would operate in practice.

Question 12 What impact would the closure of these justice of the peace courts have on you?

Please give reasons for your answer.

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

3.48 Justice of the peace courts were established for the sheriff court districts of Stornoway, Portree and Wick in 2008 carrying on the tradition of lay justice previously administered by the district courts for the Commission areas of Comhairle nan Eilean Siar and Highland Council. Experience since 2008 is that these justice of the peace courts have a very small caseload. The following table shows the number of new cases brought before the court over the last three years.

	2009/10	2010/11	2011/12
Portree JP Court	37	31	26
Stornoway JP Court	67	42	50
Wick JP Court	113	150	159

3.49 Our view is that this level of workload is insufficient to justify the cost of maintaining a justice of the peace court in these areas. Accordingly we propose to promote the disestablishment of these courts. Disestablishment would not mean that the business previously dealt with by the justice of the peace court would no longer be heard locally. After disestablishment, all summary criminal business would be heard by the local sheriff court, as presently occurs in Kirkwall and Lerwick districts where district courts, and subsequently justice of the peace courts, were never established.

Proposal 4

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.

Question 13 Do you agree with the proposal to disestablish the justice of the peace courts at Portree, Stornoway and Wick?

Question 14 If you disagree with the proposal to disestablish these justice of the peace courts, please say

(a) why you disagree, and

(b) what alternative proposal you would prefer to see in place, being as specific as you can about how your preference would operate in practice.

Question 15 What impact would the disestablishment of the justice of the peace courts at Portree, Stornoway and Wick have on you?

Please give reasons for your answer.

The Sheriff Courts

3.50 Earlier in this paper we outlined the background to the challenges facing us, and the context within which we are working to address these. We said our challenge is to provide a court structure that (a) provides Scotland's citizens with services and facilities consistent with the standards of a modern system; (b) is ready to support the anticipated reforms effectively, and (c) is affordable within the reduced budget available to us.

3.51 We have explained that our approach takes us in the direction of the vision we have for a court structure for the future. We will not get to that vision in one leap; this is a staged journey, and we will not make progress without making changes to the existing structure. Resources are limited, so it is right that we look at what we can do to make more effective use of the resources we have, and how the current system can be made more efficient.

3.52 All our court buildings require to be maintained; in some that is a significant financial commitment that draws money away from investments to improve facilities and services. In some places the courts sit infrequently owing to the low volume of business locally. The judicial and court resources a sheriff principal may have to devote in support of that business can be disproportionate to the amount of that business. Having to devote sheriffdom resources in support of courts that sit infrequently can compromise the efficient disposal of business in the sheriffdom as a whole, as this reduces the resources available to the busier courts.

3.53 All organisations must, from time to time, review the way they deliver their services to ensure this remains the most effective and efficient way to meet current and changing demands. We are no exception. It was right therefore that we looked at where we currently provide court services and considered whether we could provide those services in a different pattern of court locations, when that was consistent with the *Principles for provision of Access to Justice*.³⁷

3.54 We approached this task in two ways. The first was to consider those courts where the volume of business transacted at a court was low; the second was to consider those places where sheriff courthouses are close to each other. We explain in the following sections the parameters we used when assessing whether any court fell into these groups. Our conclusion is that there are a number of places where access to justice can still be provided were a court to close and the boundary of a neighbouring sheriff court district be adjusted to take that business. We have not reached these conclusions lightly, as we are very aware of the value placed by communities on their local court and of the civic pride associated with having a courthouse in a town. But we cannot make our journey towards the vision we have outlined, nor address the immediate challenges, by avoiding change and compromise.

³⁷ Appendix A

3.55 We cannot close courts at our own hands. That is a matter for Scottish Ministers to place before the Scottish Parliament. But we must consult before we put our proposals forward to Ministers.³⁸ This is what we are doing in this document, so it is very important you let us have your views on these proposals.

3.56 In the next two sections we explain the basis on which we have come to the conclusion that a number of courts could be closed without prejudicing access to justice. In the next part of this paper we outline the effect of these proposals in each of the sheriffdoms.

Sheriff courts with low volumes of business

3.57 We have considered carefully what would be the most appropriate measure of business below which it becomes disproportionate and inefficient to maintain a sheriff court. We have settled on the following: a court which is scheduled to sit on average two days or less each week, and has an annual caseload of less than 200 new criminal cases, and less than 300 new civil cases.

3.58 The following mainland courts fall below this measure: Dornoch, Duns, Kirkcudbright, Peebles, as does Rothesay.

Court	Sitting days 2009/2010	Sitting Days 2010/2011	Sitting Days 2011/2012	Criminal Cases 2011/2012	Civil Cases 2011/2012
Dornoch	48	52	44	90	97
Duns	53	52	45	132	204
Kirkcudbright	95	76	108	118	282
Peebles	51	47	29	117	173
Rothesay	41	43	44	158	66

3.59 Of these courts, only Kirkcudbright has a permanently staffed sheriff clerk's office. Dornoch has its own staff and the court offices are open for part of each week. The other courts are wholly administered from a neighbouring court, court staff attending only on court days. Duns is administered from Jedburgh; Peebles from Selkirk, and Rothesay from Greenock.

3.60 Each of the courthouses has some significant limitation in the facilities it can provide court users. The accommodation for prisoners in Dornoch is barely adequate, and the courtroom, which is on the upper floor of the building, cannot be accessed by anyone in a wheelchair. The court accommodation in Duns is part of the Scottish Borders Council office

³⁸ Section 3 of the Sheriff Courts (Scotland) Act 1971 (c.58)

complex. There are no cells or interview facilities. Both the courtrooms in Kirkcudbright Sheriff Court are on the first floor of the building, to which there is no wheelchair access. Peebles Sheriff Court occupies rented accommodation within the council offices. Provision for custodies and witnesses is poor. The court at Rothesay sits in the Council's marriage room which is adapted for each sitting using demountable court furniture, including a witness box and dock. There is no cell accommodation.

3.61 Having considered the court capacity available in neighbouring sheriff court districts, and taking into account the *Principles for provision of Access to Justice*, we propose the closure of these five courts and the transfer of the business of those districts into the sheriff court districts in the second column of the following table:

Close this sheriff court	Transfer the business to this sheriff court
Dornoch	Tain
Duns	Jedburgh
Kirkcudbright	Dumfries
Peebles	Edinburgh
Rothesay	Greenock

3.62 Transferring the business to these courts will significantly improve the quality of the facilities available to the vast majority of court users. We accept that this would not entirely be the case at Tain Sheriff Court where, as in Dornoch, the courtroom on the first floor cannot be accessed by a wheelchair user. The contingency arrangement in Tain is, however, an easier arrangement, making use of the Council Chamber within the same building.³⁹

3.63 We say more about the effect of these proposals on a sheriffdom basis in the next part of this paper.

Proposal 5

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

- (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;
- (b) the business from these courts should be transferred to the neighbouring sheriff court districts and be heard at the sheriff courthouse in Tain, Jedburgh, Dumfries, Edinburgh and Greenock respectively;
- (c) the changes be achieved during the year 2013/14.

³⁹ In Dornoch, the contingency involves moving the court to separate premises owned by the Church of Scotland.

Question 16 Do you agree with the proposal to close the sheriff courts and justice of the peace courts at Dornoch, Duns, Kirkcudbright, Peebles and the sheriff court at Rothesay and transfer the business into the neighbouring sheriff court districts of Tain, Jedburgh, Dumfries, Edinburgh and Greenock respectively?

Question 17 If you disagree with the proposals regarding these courts, please say:

(a) why you disagree, and

(b) how you would prefer the sheriff court and justice of the peace court provision for these districts structured, being as specific as you can about how your preference would operate in practice.

If you are commenting on only some of the courts affected, please indicate to which court(s) your answer relates.

Question 18 How would the closure of any of these courts affect you?

Please give reasons for your answer and indicate to which court(s) your answer relates.

Sheriff courts in proximity to each other

3.64 Within the current structure a number of sheriff courts are located close to another sheriff court. The reasons for this are largely historical, and we considered this might not necessarily be the most efficient structure for today. Having taken account of the guiding *Principles for provision of Access to Justice* and our wish to minimise excess travelling distances for court users, we felt that we should look in more detail at those sheriff courts within twenty miles of another sheriff court location.

3.65 Distance alone would not, of course, be a sufficient basis on which to consider whether business could be dealt with in another way; an essential consideration is whether the volume of business in the courts could be accommodated in another sheriff court location. If a court that might receive business from a close neighbour has insufficient capacity, and no prospect of gaining additional capacity as a consequence of any other of our proposals, transfer would be self-defeating. We summarise below the conclusions we reached after considering the question of capacity.

3.66 This table shows the courts where we are satisfied there would be capacity in a court to receive the business from a neighbouring court, allowing that court location to be closed. The table shows the court from which business would be transferred and the court which would receive the business. Our proposal would be that a sheriff court would thereafter cease to be held at the place in the first column.

Sheriff Court (from which business would be transferred)	Miles to nearest sheriff court	Nearest Sheriff Court (to which business would be transferred)
Alloa	8	Stirling
Dornoch	9	Tain
Cupar	13	Dundee
Dingwall	14	Inverness
Arbroath	15	Forfar
Stonehaven	15	Aberdeen
Haddington	18	Edinburgh

3.67 We have already proposed that Dornoch should close owing to the low volume of business, and we do not consider this court further in this section.

3.68 Our work on capacity indicates that the summary business of Selkirk district could not be accommodated satisfactorily in Jedburgh Sheriff Court where court facilities are limited. We had initially thought this would be a possibility, but we will not now propose the closure of Selkirk Sheriff Court. The position with Lanark is similar. Our further analysis has indicated that there is insufficient capacity in Hamilton Sheriff Court to absorb this business in addition to the business from Hamilton Justice of the Peace Court and Motherwell Justice of the Peace Court. As we feel there are more efficiencies and economic advantages in consolidating the justice of the peace court business in Hamilton district, we would not now propose the closure of Lanark Sheriff Court.

3.69 Arbroath and Forfar are close to each other, and also to Dundee. While there is capacity in Dundee to accommodate the sheriff and jury business of these courts, it would not be possible to accommodate all the business. Furthermore to close both Arbroath and Forfar would run counter to our desire to continue to provide for the delivery of summary justice at a more local level.

3.70 The courthouses at Arbroath and Forfar are quite different in character. Arbroath occupies the former Town House and a former bank which have been converted into a two court complex. The courthouse forms one of the buildings in the range along the High Street. The area to the sides and rear of the building have been pedestrianised, leaving vehicular access only at the front. Custodies are delivered across the public footpath at the front of the building. There is no space for expansion.

3.71 In contrast, the courthouse in Forfar is the former County Buildings, an imposing building on the north west of the town. There is good vehicular access and generous accommodation. The building is surrounded by extensive grounds offering potential for expansion should an increase of court capacity in the north east of the sheriffdom be required. Overall the facilities for court users are better at Forfar. We recognise that Forfar is less well served by public transport, and is further from one of main population centres in the area than Arbroath. Deciding on the most appropriate provision for the north east of the sheriffdom is inevitably going to be a compromise. On balance we feel that Forfar offers the better opportunity to provide quality court services and increasingly integrate these with other supporting agencies, and further the scope for future physical development of our accommodation. Accordingly we propose that Arbroath Sheriff Court should close and the business be transferred to Forfar.

3.72 As Forfar is not proposed as a sheriff and jury centre in the longer term, we would anticipate that while sheriff and jury business could initially be heard at Forfar, over time this would increasingly be heard at Dundee. We are satisfied that there is sufficient capacity both for this *interim* arrangement and the longer term proposal.

3.73 Alloa is eight miles from Stirling and thirteen miles from Falkirk. There are good public transport links among the three towns. Our proposal is that Alloa's solemn business should move to Falkirk, which is a future sheriff and jury centre, and that Alloa's summary and civil business should be consolidated in Stirling. However, we feel that for this arrangement to provide court users with a satisfactory service, some additional capacity is required in Falkirk. The timing of the move therefore would be dependent on funding becoming available.

3.74 We are satisfied that the business of Cupar, Dingwall, Stonehaven and Haddington could be accommodated satisfactorily, and without detriment to existing waiting periods, in the sheriff courts at Dundee, Inverness, Aberdeen and Edinburgh respectively.

3.75 Our proposal therefore is that the sheriff courts and justice of the peace courts at Alloa, Cupar, Dingwall, Arbroath, Haddington and Stonehaven be closed and the business

transferred into the neighbouring sheriff court districts of Stirling/Falkirk, Forfar, Inverness, Dundee, Edinburgh and Aberdeen respectively.

3.76 The following table shows the business that would, under our proposals, become consolidated with the business of the neighbouring court. It would not follow that the level of business transferred would require the same level of sitting days in the new court, as it is our experience that the management of a larger workload in a single court location benefits from efficiencies of scale.

Sheriff Court	Sitting days 2009/2010	Sitting Days 2010/2011	Sitting Days 2011/2012	Criminal Cases 2011/2012	Civil Cases 2011/2012
Alloa	380	317	312	1,115	603
Arbroath ⁴⁰	375	352	318	955	927
Cupar	263	268	257	439	758
Dingwall	174	159	156	252	333
Haddington	343	334	312	801	1,170
Stonehaven	200	229	199	230	570

3.77 While we recognise that some court users may have a different journey to make to access court services than they do at present, and for some this might be a longer journey, the facilities available to them at the larger court centres will be superior, in some case far superior, to those experienced at the previous courts. And in the larger centres there will be more ready access to the supporting services now available to those attending court.

3.78 Should our proposals receive the necessary statutory approval, we would propose to implement the changes in phases.

3.79 During 2013/14 we would propose the movement of Stonehaven business into Aberdeen, and the Arbroath business into Forfar. These moves are not dependent on any other aspect of our proposals.

3.80 In the following year, 2014/15, we would move Dingwall's business into Inverness, Cupar's business into Dundee and the business for Haddington into Edinburgh.

3.81 The move of Alloa's business into Stirling and Falkirk would be dependent on the provision of additional capacity in Falkirk.

3.82 In the next part we say more about what these proposals would mean in the sheriffdoms.

⁴⁰ While Arbroath's sheriff and jury business might initially be heard at Forfar, the longer term proposal would be that this should be dealt with in Dundee.

Proposal 6

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 districts and be heard at the sheriff courthouse 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.

Question 19 Do you agree with the proposals to close the sheriff courts and justice of the peace courts at Alloa, Cupar, Dingwall, Arbroath, Haddington and Stonehaven and transfer the business into the sheriff court districts of Stirling/Falkirk, Dundee, Inverness, Forfar, Edinburgh and Aberdeen respectively?

Question 20 If you disagree with the proposals to close these courts, please say:

- (a) why you disagree, and
- (b) how you would prefer the sheriff court and justice of the peace court provision for these districts structured, being as specific as you can about how your preference would operate in practice.

If you are commenting on only some of the courts affected, please indicate to which court(s) your answer relates.

Question 21 How would the closure of any of these courts affect you?

Please give reasons for your answer and indicate to which court(s) your answer relates.

Sheriff court district boundaries

3.83 All our proposals proceed on the basis that where a sheriff court is closed, the whole of that court's district would be subsumed within the boundary of the sheriff court to which the business is being transferred. The boundary of the receiving court would be adjusted accordingly. So, if Peebles Sheriff Court were to close and the business transferred to Edinburgh Sheriff Court, the boundary of Edinburgh Sheriff Court District would be adjusted to include the whole of the (then former) Sheriff Court District of Peebles.

3.84 We recognise that there may be certain areas of the country where practical considerations may now favour changes to the sheriff court districts. For example improved transport links since the boundaries were last drawn might mean that some communities would be able to travel more easily to a neighbouring sheriff court than to the court within whose district they are located, or will become located under our proposals. We have not carried out any detailed analysis of this matter, as whether any boundary is ripe for change is beyond the remit of this consultation. However as work on our proposals progressed occasions arose when we pondered whether a boundary change would be beneficial to court users. We offer some of these thoughts, but merely as examples to prompt consideration by those who would like to take this opportunity to comment on specific boundary issues. We should say that those we describe do not form a comprehensive list, and are not intended to limit your own consideration.

3.85 We would welcome comments on any boundary issue. We will consider whether, in the light of any comments that are received, a separate review of the sheriff court district boundaries in specific areas of the country would be appropriate.

3.86 The areas that caused us to wonder whether the opportunity of any statutory order consequential upon the closure of a sheriff court should be taken to alter the boundary are set out in the next paragraph.

3.87 The journey from Newburgh, presently within Cupar Sheriff Court District, to Dundee, the proposed destination of Cupar's business, is longer than that to Perth, which is equally accessible. The availability of the Skye Bridge makes Portree far more accessible to those within the Kyle of Lochalsh than Inverness, to which the business of Dingwall would be transferred were a sheriff court to cease to be held there. Residents of Carnoustie, currently within Arbroath Sheriff Court District, may be better served by the road journey by dual carriageway to Dundee, than by the cross country rural route to Forfar. Those in the coastal settlements to the east of Edinburgh, down to the Border south of Eyemouth, may be better served by the journey on the A1 trunk road and east coast rail link to Edinburgh, than by a cross country journey on rural roads to Jedburgh. Settlements well south of Aberdeen, such as Laurencekirk, may find a journey to Forfar preferable than one to Aberdeen.

Question 22 If you consider that the boundary of any sheriff court district should be redrawn, please specify what changes you would like to see made, and give your reasons for the changes you propose.

General Questions

Question 23 If there are any aspects of this consultation paper about which you wish to comment and an opportunity to do so has not arisen in any of the earlier questions, please let us have your comments here.

Question 24 If there are any aspects of the provision of court services in Scotland about which you wish to comment, express a view or offer an idea, and an opportunity to do so has not arisen any of the earlier questions, please let us have your comments, views and ideas here.

Part 4

What the proposals mean in the Sheriffdoms

Introduction

4.1 In this part we describe the structure of courts in each sheriffdom at a point when all the reforms that we anticipate, and the proposals we make, have been implemented, and how this might affect the way some court users access our services.

4.2 As we said earlier in the consultation paper, a new structure will not be reached quickly. Change will be progressive, regulated by how quickly the various inter-dependent components are achieved. While some aspects of the new structure will be in place quite early, we anticipate that the final structure would not be in place until 2022. Our proposals for sheriff and jury centres in particular will proceed at a slower pace as the dependent elements - sheriff and summary sheriff deployment, court capacity, technological development and procedural reform - come together.

4.3 Our proposals for sheriff court and justice of the peace court consolidation and closure have been carefully considered against the capacity of the courts into which the business is being transferred. On the basis of this work we are satisfied with the capacity of the receiving courts to accommodate the work being transferred, other than in those areas we have mentioned earlier, namely Aberdeen, Airdrie and Stirling/Falkirk. Our consideration has also satisfied us that the transfer of business will have no adverse effect on existing waiting periods.

Court structure

4.4 For each sheriffdom we provide a table of the new structure once fully implemented. The table lists the places where sheriff courts and justice of the peace courts are held at present.⁴¹ Each sheriff court represents a sheriff court district. The justice of the peace courts are aligned to sheriff court districts.

4.5 The shading (in green) that extends to the edge of the first column signifies a sheriff and jury centre, and also a court which would develop into a specialist centre for the civil, administrative and miscellaneous matters exclusive to the sheriff's jurisdiction. The courts which we propose should close are shaded (in yellow) across all the columns.

4.6 In the second and sixth columns we indicate whether these specialist courts would sit in the courthouse.

4.7 In the third and fourth columns we indicate where a sheriff would preside over sheriff and jury (solemn) and civil business, and from which of the current sheriff court districts this work would be drawn. If our proposals are implemented, the sheriff court district

⁴¹ In the tables the abbreviation SC means sheriff court; JP means justice of the peace court.

boundaries would be revised to bring the district of the court that is closing within that of the neighbouring court to which the business transfers. For example, if Haddington were to close, the boundary of the Sheriff Court District of Edinburgh would be adjusted to bring within its compass the current Sheriff Court District of Haddington.

4.8 The fifth and seventh columns show where a summary sheriff and justice of the peace court respectively would sit, and the areas from which the business would be drawn. For example a summary sheriff would sit in Edinburgh, dealing with summary criminal and civil business from the area that today comprises the Sheriff Court Districts of Edinburgh, Peebles and Haddington. The districts of Peebles and Haddington would have been subsumed into an enlarged sheriff court district of Edinburgh.

Travel

4.9 We also provide a comparison table of distances, public transport travelling times and daily return fares⁴² between the main population centres in those sheriff court districts where we propose closure, with the court to which business would be transferred.

Equalities impact assessment

4.10 We have carried out a preliminary equalities impact assessment of our proposals and published this on our website.⁴³ We will review this assessment as our proposals are developed following this consultation.

The Sheriffdom of Glasgow and Strathkelvin

4.11 Serving the City of Glasgow, parts of the local authority areas of East Dunbartonshire and South Lanarkshire, this sheriffdom is unique in that the boundaries of the sheriffdom and the sheriff court district are identical. There is only one courthouse, in Glasgow, which houses both the sheriff court and the justice of the peace court.

4.12 While the wider justice reforms will progressively bring about a need to adapt local arrangements for allocating cases to the appropriate tier of judge as summary sheriffs are appointed, and accommodation will need to be provided for sittings of the sheriff appeal court, none of the proposals in this consultation affects Glasgow.

⁴² The fares shown in the tables are either return fares or daily unlimited travel rates applying in some areas.

⁴³ [Equalities Impact Assessment](#)

GLASGOW AND STRATHKELVIN	High Court	<u>Sheriff</u> Solemn	<u>Sheriff</u> Civil/Misc	<u>Summary Sheriff</u> Summary Crime and Civil	Sheriff Appeal Court	JP Court
Glasgow SC and JP	NO	GLASGOW	GLASGOW	GLASGOW	YES	GLASGOW

The Sheriffdom of Lothian and Borders

4.13 The principal changes to the current structure in the Sheriffdom of Lothian and Borders are (a) the concentration of sheriff and jury business and the sheriff's civil and administrative jurisdiction for the central, eastern and southern parts of the sheriffdom in Edinburgh Sheriff Court, (b) the provision of summary justice for the southern part of the sheriffdom through Jedburgh and Selkirk Sheriff Courts and JP Courts, (c) the closure of Haddington and Peebles Sheriff Courts and JP Courts and the transfer of the business from those districts to Edinburgh, and (d) the closure of Duns Sheriff Court and JP Court and the transfer of business within the jurisdiction of the summary sheriff to Jedburgh, and the other business to Edinburgh. The courts at Edinburgh and Livingston would continue to provide the full range of sheriff court and justice of the peace court services to those districts.

Haddington and Peebles

4.14 All those with business in the courts of Haddington and Peebles would, under the new structure, travel to Edinburgh. The following tables provide an illustration of what this might mean in practice.

From (Population)	To	Distance (miles)	Travel Mode, Time and Cost					
			Mode	Time	Leaves	Arrives	Return Fare	
Haddington (8,810)	Edinburgh	18	Car	00:28				
			Bus	00:46	08:31	09:17	£7.30	
			Bus	00:53	08:59	09:52		
			Bus	00:48	16:15	17:03		
Musselburgh (22,640)	Haddington	11	Car	00:18				
Musselburgh	Edinburgh	7	Bus	00:35	08:21	08:56	£3.50	
				00:40	08:56	09:36		
				00:31	16:13	16:44		
			Car	00:23				
Prestonpans (8,500)	Haddington	9	Bus	00:40	08:36	09:16	£3.60	
				00:35	09:20	09:55		
			Train	00:39	16:05	16:44		
			Train	00:07	09:09	09:16		
Prestonpans	Edinburgh	12		00:06	16:33	16:39	£5.60	
			Car	00:16				
			Bus	00:38	08:18	08:56		£3.50
				00:42	08:54	09:36		
	00:37	16:13	16:50					
Rail	00:27							
Tranent (10,590)	Haddington	8	Bus	00:56	08:23	09:19	£3.50	
				00:51	09:05	09:56		
				00:50	15:58	16:48		
			Rail	00:15	09:01	09:16		
Tranent	Edinburgh	12		00:11	16:41	16:52	£5.60	
			Car	00:15				
			Bus	00:18	08:38	08:56		£7.30
				00:17	09:19	09:36		
	00:17	16:13	16:30					
	00:22							
Dunbar (8,020)	Haddington	13	Bus	00:59	08:26	09:25	£10.70	
				00:54	08:51	09:45		
				00:52	16:18	17:10		
			Rail	00:15	09:01	09:16		
Dunbar	Edinburgh	31		00:11	16:41	16:52	£15.70	
			Car	00:19				
			Bus	00:29	08:50	09:19		£8.30
				00:23	09:07	09:30		
	00:28	16:02	16:30					
	00:41							
Dunbar	Edinburgh	31	Bus	01:17	08:00	09:17	£10.70	
				01:16	16:15	17:31		
			Rail	00:30	08:54	09:24		
			Rail	00:25	16:33	16:58		

From (Population)	To	Distance (miles)	Travel Mode, Time and Cost				
			Mode	Time	Leaves	Arrives	Return Fare
Peebles (8260)	Edinburgh	23	Car	00:41			
			Bus	01:08	08:13	09:21	£10.70
			Bus	01:11	16:00	17:11	
Innerleithen (3,120)	Peebles	6	Car	00:09			
			Bus	00:17	08:49	09:06	£8.30
			Bus	00:17	09:19	09:36	
Innerleithen	Edinburgh	29	Car	00:53			
			Bus	01:29	07:52	09:21	£10.70
			Bus	01:32	16:00	17:32	
Eddleston (1,009)	Peebles	5	Car	00:07			
			Bus	00:09	08:51	09:00	£8.30
			Bus	00:09	09:26	09:35	
Eddleston	Edinburgh	19	Car	00:34			
			Bus	00:59	08:22	09:21	£10.70
			Bus	01:02	16:00	17:02	
Walkerburn (640)	Peebles	8	Car	00:12			
			Bus	00:23	08:43	09:06	£8.30
			Bus	00:20	09:16	09:36	
Walkerburn	Edinburgh	32	Car	00:53			
			Bus	01:35	07:46	09:21	£10.70
			Bus	01:37	16:30	18:07	

4.15 We accept that for many Haddington and Peebles court users their journey to a court in Edinburgh would be longer and more expensive, although for the main population centres of East Lothian it would be cheaper to travel to Edinburgh than to Haddington. While a few of the journeys are at the outer margin of what might be regarded as an acceptable daily commute, none is beyond daily travelling distance.

4.16 People attend court each day for many reasons. Some will be involved in court cases; others will attend in support of those appearing, to obtain information or merely to observe proceedings in court. To give some measure of the number of people who might be affected by the closures, we have considered information we have for the year 2011/12. In that year the number of people prosecuted before these courts was 1,550 (Haddington), and 230 (Peebles).⁴⁴ Not all of these people will have lived within the sheriff court district, and not all will have attended court: some will have pled guilty by letter and been sentenced without the need for an appearance; and some of the prosecutions, for various reasons, will not have proceeded.

⁴⁴ Combined total for sheriff court and justice of the peace court

4.17 We estimate that around a total of 550 people will have been called as civilian witnesses for the prosecution in the summary trials that took place. Again, not all of these witnesses will have resided within the sheriff court district.

4.18 Three jury trials took place in Haddington, requiring a total of nine court days. Around 180 people would have attended court to fulfil their duty for jury service, but only the 15 balloted as jury members in each trial would have been required to attend court every day of a trial. No jury trials took place in Peebles.

4.19 In the civil jurisdiction the total number of (a) ordinary actions in which a debate on legal matters proceeded or evidence was heard at proof, and (b) the number of summary cause or small claims proofs that took place, give an indication of the occasions on which parties and their witnesses would most likely attend at court. In the year 2011/12 these figures for Haddington are: (a) ordinary: 18; (b) summary cause/small claim: 19. For Peebles the figures are (a) ordinary: 1; (b) summary cause/small claim: 1.

Duns

4.20 The following table illustrates travelling by public transport from within Duns Sheriff Court District to Jedburgh.

From (Population)	To	Distance (miles)	Travel Mode, Time and Cost				
			Mode	Time	Leaves	Arrives	Return Fare
Duns (2,730)	Jedburgh	32	Car	00:47			
			Bus	01:09	07:30	08:39	£8.30
			Bus	01:49	15:50	17:39	
Eyemouth (3,370)	Duns	14	Car	00:25			
			Bus	00:39	08:07	08:46	£5.80
				00:39	09:10	09:49	
Eyemouth	Jedburgh	43	Car	01:06			
			Bus	02:29	08:10	10:39	£8.30
				02:15	16:30	18:45	
To arrive earlier in Jedburgh travel required previous day.							
Coldstream (2,010)	Duns	12	Car	00:18			
			Bus	00:28	08:20	08:48	£5.80
				00:30	15:55	16:25	
Coldstream	Jedburgh	20	Car	00:31			
			Bus	01:14	07:25	08:39	£8.30
				01:06	08:28	09:34	
			01:07	16:30	17:37		

4.21 Again, we accept that for some court users travelling to Jedburgh could involve a longer and more expensive journey than they may have to take at present. Travel to and from Jedburgh is possible within the same day, although an early start might be involved.

4.22 As a measure of the number of people who might be affected by this closure, in the year 2011/12 the number of people prosecuted in the sheriff court and JP court at Duns was 590. As in the other jurisdictions, not all of these people will have lived within the sheriff court district, and not all will have attended court: some will have pled guilty by letter and been sentenced without the need for an appearance; and for various reasons some of the prosecutions will not have proceeded.

4.23 We estimate that around a total of 340 people will have been called as civilian witnesses for the prosecution in the summary trials that took place. Again, not all of these witnesses will have resided within the sheriff court district. No jury trials were held at Duns during the year.

4.24 In the civil jurisdiction no ordinary debate or proof, and no summary cause/small claims proof, took place.

LOTHIAN AND BORDERS	High Court	Sheriff	Sheriff	Summary Sheriff	Sheriff Appeal Court	JP Court
		Solemn	Civil/Misc	Summary Crime and Civil		
Edinburgh SC and JP	NO	EDINBURGH PEEBLES HADDINGTON JEDBURGH SELKIRK DUNS	EDINBURGH PEEBLES HADDINGTON JEDBURGH SELKIRK DUNS	EDINBURGH PEEBLES HADDINGTON	YES	EDINBURGH PEEBLES HADDINGTON
Haddington SC and JP		CLOSURE				
Peebles SC and JP		CLOSURE				
Livingston SC and JP * additional capacity as required	YES*	LIVINGSTON	LIVINGSTON	LIVINGSTON	NO	LIVINGSTON
Jedburgh SC and JP	NO	NO	NO	JEDBURGH DUNS	NO	JEDBURGH DUNS
Duns SC and JP		CLOSURE				
Selkirk SC and JP	NO	NO	NO	SELKIRK	NO	SELKIRK

The Sheriffdom of South Strathclyde, Dumfries and Galloway

4.25 The principal changes to the current structure in the Sheriffdom of South Strathclyde Dumfries and Galloway are: (a) the concentration of sheriff and jury business and the sheriff's civil and administrative jurisdiction for the south west of Scotland in Dumfries Sheriff Court, (b) the movement, over time, of sheriff and jury business and the sheriff's civil court for the district of Lanark into Hamilton Sheriff Court; (c) the provision of summary justice for the south west through Dumfries and Stranraer Sheriff Courts and JP Courts, (d) the closure of Kirkcudbright Sheriff Court and JP Court and the transfer of the business from that district to Dumfries Sheriff Court, (e) the progressive closure of the justice of the peace courts at Annan, Motherwell, Coatbridge and Cumbernauld JP Courts and the consequential transfer of business to Dumfries, Hamilton, and Airdrie JP Courts.⁴⁵

Kirkcudbright

4.26 All those with business in the sheriff court and justice of the peace court presently held at Kirkcudbright would, in the new structure, travel to Dumfries. The following table provides an illustration of what this might mean in practice.

From (Population)	To	Distance (miles)	Travel Mode, Time and Cost					
			Mode	Time	Leaves	Arrives	Return Fare	
Kirkcudbright (3,140)	Dumfries	27	Car	00:48				
			Bus	00:45	07:45	08:30	£8.00	
			Bus	01:10	08:25	09:35		
			Bus	01:09	16:15	17:24		
Castle Douglas (4,160)	Kirkcudbright	10	Car	00:18				
			Bus	00:17	08:05	08:22	£8.00	
			Bus	00:24	09:15	09:39		
			Bus	00:19	16:45	17:04		
Castle Douglas	Dumfries	20	Car	00:32				
			Bus	00:34	08:12	08:46	£8.00	
			Bus	00:30	09:05	09:35		
			Bus	00:34	15:40	16:14		
Dalbeattie (4,100)	Kirkcudbright	14	Car	00:28				
			Bus	00:39	08:00	08:39	£8.00	
			Bus	01:22	08:17	09:39		
			Bus	00:49	16:45	17:34		
Dalbeattie	Dumfries	14	Car	00:28				
			Bus	00:20	08:52	09:12	£8.00	
			Bus	00:25	09:12	09:37		
			Bus	00:24	16:15	16:39		

⁴⁵ Airdrie will be designated as a place where a justice of the peace court should be held, and the business from both Coatbridge and Cumbernauld justice of the peace courts would ultimately be dealt with there.

4.27 While we accept that those in Kirkcudbright would have a journey of between 45 minutes and just over an hour, at a fare of £8, to attend at Dumfries, for those court users in the other main population centres of the district the journey to Dumfries could either be a little longer or shorter than their current journey to Kirkcudbright. All journeys are possible within what may be considered an acceptable daily commute.

4.28 People attend court each day for many reasons. Some will be involved in court cases; others will attend in support of those appearing, to obtain information or merely to observe proceedings in court. To give some measure of the number of people who might be affected by the closure of Kirkcudbright Sheriff Court and Justice of the Peace Court, we have considered some information we have for the year 2011/12. In that year the number of people prosecuted before these courts was 571.⁴⁶ Not all of these people will have lived within the sheriff court district, and not all will have attended court: some will have pled guilty by letter and been sentenced without the need for an appearance; and for various reasons some of the prosecutions will not have proceeded.

4.29 We estimate that around a total of 180 people will have been called as civilian witnesses for the prosecution in the summary trials that took place. Again, not all of these witnesses will have resided within the sheriff court district.

4.30 Six jury trials took place in Kirkcudbright during the year, requiring a total of 34 court days. Around 360 people would have attended court to fulfil their duty for jury service, but only the 15 balloted as jury members in each trial would have been required to attend court every day of a trial. In the civil jurisdiction the total number of (a) ordinary actions in which a debate on legal matters proceeded or evidence was heard at proof, and (b) the number of summary cause or small claims proofs that took place, give an indication of the occasions on which parties and their witnesses would most likely attend at court. In the year 2011/12 these figures for Kirkcudbright are: (a) ordinary: 5; (b) summary cause/small claim: 3.

Annan, Motherwell, Coatbridge and Cumbernauld Justice of the Peace Courts

4.31 In the new structure the summary criminal business currently dealt with at Annan would be taken into Dumfries, and that for Motherwell into Hamilton. Both Coatbridge and Cumbernauld are within the sheriff court district of Airdrie and our proposal is to stage the transfer of business, consolidating the business first in Coatbridge and then, after allowing this arrangement to settle operationally, transfer the business into Airdrie.

4.32 The following table illustrates what this might mean for those travelling to these courts in the future.

⁴⁶ Combined total for sheriff court and justice of the peace court

From	To	Distance (miles)	Travel Mode, Time and Cost					
			Mode	Time	Leaves	Arrives	Return Fare	
Annan	Dumfries	17	Car	00:31				
			Bus	00:35	08:06	08:41	£8.00	
			Bus	00:35	09:21	09:56		
			Bus	00:42	16:10	16:52		
			Rail	00:18	08:34	08:52	£7.20	
			Rail	00:15	17:07	17:22		
Cumbernauld	Coatbridge	14	Car	00:22				
			Rail	00:09	09:10	09:19	£4.40	
			Rail	00:13	15:48	16:01		
Cumbernauld	Airdrie	8	Car	00:21				
			Bus	00:45	07:45	08:30	£3.65	
			Bus	01:10	08:25	09:35		
			Bus	01:09	16:15	17:24		
Coatbridge	Airdrie	2	Car	00:08				
			Bus	00:28	08:35	09:03	£2.30	
			Bus	00:25	09:16	09:41		
			Bus	00:19	15:56	16:15		
			Rail	00:04	09:12	09:16	£2.20	
			Rail	00:04	15:57	16:01		
Motherwell	Hamilton	2.4	Car	00:05				
			Bus	00:08	09:13	09:21	£3.45	
			Bus	00:08	09:37	09:45		
			Bus	00:11	16:06	16:17		

4.33 We accept that many court users would incur additional travel to reach the court to which business would be transferred. However, travel distances are small, and it would be possible to travel to and from the new court easily within a day.

4.34 The following table uses the figures from 2011/12 to give a measure of the number of people who might be affected by the closures.

JP Court	Number of people prosecuted	Number of civilian witnesses called to give evidence for the prosecution
Annan	5	57
Motherwell	2,630	416
Coatbridge	960	333
Cumbernauld	491	90

4.35 Not all of the people prosecuted before the courts will have lived within the sheriff court district, and not all will have attended court: some will have pled guilty by letter and been sentenced without the need for an appearance; and for various reasons some of the prosecutions will not have proceeded. Not all of the witnesses will have resided within the sheriff court district.

SOUTH STRATHCLYDE, DUMFRIES AND GALLOWAY	High Court	Sheriff	Sheriff	Summary Sheriff	Sheriff Appeal Court	JP Court
		Solemn	Civil/Misc	Summary Crime and Civil		
Airdrie SC and JP	NO	AIRDRIE	AIRDRIE	AIRDRIE	YES	AIRDRIE CUMBERNAULD COATBRIDGE
Cumbernauld JP		CLOSURE				
Coatbridge JP		CLOSURE				
Hamilton SC and JP	NO	HAMILTON LANARK	HAMILTON LANARK	HAMILTON	NO	HAMILTON MOTHERWELL
Motherwell JP		CLOSURE				
Lanark SC and JP	NO	NO	NO	LANARK	NO	LANARK
Ayr SC and JP	NO	AYR	AYR	AYR	NO	AYR
Stranraer SC and JP	NO	NO	NO	STRANRAER	NO	STRANRAER
Dumfries SC and JP	NO	DUMFRIES STRANRAER KIRKCUDBRIGHT	DUMFRIES STRANRAER KIRKCUDBRIGHT	DUMFRIES KIRKCUDBRIGHT	NO	DUMFRIES KIRKCUDBRIGHT ANNAN
Annan JP		CLOSURE				
Kirkcudbright SC and JP		CLOSURE				

The Sheriffdom of North Strathclyde

4.36 The principal changes to the current structure in the Sheriffdom of North Strathclyde are (a) the concentration of sheriff and jury business and the sheriff's civil and administrative jurisdiction for the Argyll and Clyde area of the Sheriffdom in Dumbarton and Paisley Sheriff Courts, and for that part of the Sheriffdom in Ayrshire, in Kilmarnock Sheriff Court; (b) the provision of summary justice for the Sheriffdom through Dumbarton, Greenock, Paisley Kilmarnock, Dunoon (including Lochgilphead), Oban and Campbeltown Sheriff Courts and JP Courts; (c) the closure of Rothesay Sheriff Court and the transfer of the business from that court to Greenock, and (d) the closure of Irvine JP Court and the transfer of that business to Kilmarnock.

Rothesay Sheriff Court and Irvine JP Court

4.37 All those with business in Rothesay Sheriff Court would, under the new structure, travel to Greenock and those from Irvine JP Court to Kilmarnock. The following table provides an illustration of what this might mean in practice.

From (Population)	To	Distance (miles)	Travel Mode, Time and Cost				
			Mode	Time	Leaves	Arrives	Return Fare
Rothesay (4,750)	Greenock	9	Car/Ferry	01:10			£32.50
			Bus/Ferry	01:11	08:00	09:11	£ 8.10
			Bus/Ferry	01:10	08:45	09:55	
			Bus/Ferry	01:15	16:05	17:20	
Irvine (32,490)	Kilmarnock	8	Car	00:18			
			Bus	00:26	09:01	09:27	£ 2.35
			Bus	00:26	09:25	09:51	
			Bus	00:30	16:00	16:30	

4.38 We accept that for residents of the Isle of Bute their journey to Greenock would be longer and more expensive. An each way commute of around 1 hour and 10 minutes is generally regarded as an acceptable daily commute and many residents of Bute already undertake such a journey on a more frequent basis than that required to attend for court business. Court users at Irvine JP Court would require to travel to Kilmarnock and many already undertake this journey to the sheriff court for criminal or civil business.

4.39 People attend court each day for many reasons. Some will be involved in court cases; others will attend in support of those appearing, to obtain information or merely to observe proceedings in court. To give some measure of the number of people who might be affected by the closures, we have considered some information we have for the year 2011/12. In that year the 1,169 people were prosecuted in Rothesay Sheriff Court and 1,358 in Irvine Justice of the Peace Court. Not all of these people will have lived within the sheriff or JP court district, and not all will have attended court: some will have pled guilty by

letter and been sentenced without the need for an appearance; and for various reasons some of the prosecutions will not have proceeded.

4.40 We estimate that around 160 people will have been called as civilian witnesses for the prosecution in the summary trials that took place in Rothesay and 440 in Irvine. Again, not all of these witnesses will have resided within the sheriff court district. No jury trials took place in Rothesay Sheriff Court.

4.41 In the civil jurisdiction the total number of (a) ordinary actions in which a debate on legal matters proceeded or evidence was heard, and (b) the number of summary cause or small claims proofs that took place, give an indication of the occasions on which parties and their witnesses would most likely attend at court. In the year 2011/12 the figures for Rothesay are (a) ordinary: 2; (b) summary cause/small claim: 0.

NORTH STRATHCLYDE	High Court	Sheriff	Sheriff	Summary Sheriff	Sheriff Appeal Court	JP Court
		Solemn	Civil/Misc	Summary Crime and Civil		
Paisley SC and JP * additional capacity as required	YES*	PAISLEY GREENOCK ROTHESAY DUNOON	PAISLEY GREENOCK ROTHESAY DUNOON	PAISLEY	YES	PAISLEY
Dumbarton SC and JP * additional capacity as required	YES*	DUMBARTON OBAN CAMPBELTOWN	DUMBARTON OBAN CAMPBELTOWN	DUMBARTON	NO	DUMBARTON
Greenock SC and JP * additional capacity as required	YES*	NO	NO	GREENOCK ROTHESAY	NO	GREENOCK ROTHESAY
Rothesay SC	CLOSURE					
Kilmarnock SC and JP	NO	KILMARNOCK	KILMARNOCK	KILMARNOCK	NO	KILMARNOCK IRVINE
Irvine JP	CLOSURE					
Campbeltown SC and JP	NO	NO	NO	CAMPBELTOWN	NO	CAMPBELTOWN
Dunoon SC and JP and Annexe at Lochgilphead	NO	NO	NO	DUNOON LOCHGILPHEAD	NO	DUNOON LOCHGILPHEAD
Oban SC and JP	NO	NO	NO	OBAN	NO	OBAN

The Sheriffdom of Tayside, Central and Fife

4.42 The principal changes to the current structure in the Sheriffdom of Tayside Central and Fife are (a) the concentration of sheriff and jury business and the sheriff's civil and administrative jurisdiction for the north and central areas of the Sheriffdom in Dundee and Perth Sheriff Courts, and for the southern part in Falkirk and Dunfermline Sheriff Courts; (b) the closure of Cupar Sheriff Court and JP Court and the transfer of the business from that district to Dundee, and (c) the closure of the sheriff courts and justice of the peace courts at Arbroath and Alloa, the consequential transfer of business within the jurisdiction of the summary sheriff to Forfar and Stirling respectively, and, over time, the other business to Dundee and Falkirk. Dunfermline would, as now, provide accommodation for additional sittings of the High Court as required.

Alloa, Cupar and Arbroath

4.43 All those with business in the courts currently at Alloa, Cupar and Arbroath would, under the new structure, travel to another court within the sheriffdom. The following tables provide an illustration of what this might mean in practice.

From (Population)	To	Distance (miles)	Travel Mode, Time and Cost				Return Fare
			Mode	Time	Leaves	Arrives	
Alloa (20,110)	Stirling	8	Car	00:16			
			Bus	00:21	09:03	09:24	£8.30
			Bus	00:21	09:26	09:47	
			Bus	00:26	16:07	16:33	
			Rail	00:09	08:36	08:45	£4.10
			Rail	00:09	09:41	09:50	
Yetts O'Muckhart (517)	Alloa	11	Car	00:20			
			Bus	00:37	08:17	08:54	£8.30
				00:30	16:24	16:54	
Yetts O'Muckhart	Stirling	17	Car	00:30			
			Bus	00:46	08:17	09:03	£10.70
				00:58	15:56	16:54	
Tillicoultry (4,960)	Alloa	4	Car	00:10			
			Bus	00:10	08:53	09:03	£5.80
				00:14	16:24	16:38	
Tillicoultry	Stirling	10	Car	00:20			
			Bus	00:35	08:47	09:22	£8.30
				00:35	16:04	16:39	
Dollar (2,790)	Alloa	7	Car	00:15			
			Bus	00:17	08:46	09:03	£8.30
				00:16	16:24	16:40	
Dollar	Stirling	13	Car	00:24			
			Bus	00:56	08:26	09:22	£10.70
				00:45	16:01	16:46	

From (Population)	To	Distance (miles)	Travel Mode, Time and Cost					Return Fare
			Mode	Time	Leaves	Arrives	Fare	
Cupar (9,100)	Dundee	13	Car	00:22				
			Bus	00:27	08:53	09:20	£5.20	
			Bus	00:43	16:18	17:01		
			Rail	00:22	09:00	09:22	£9.70	
			Rail	00:37	16:49	17:26		
St Andrews (17,010)	Cupar	10	Car	00:18				
			Bus	00:23	08:40	09:03	£5.80	
				00:20	09:15	09:35		
St Andrews	Dundee	13	Car	00:23				
			Bus	00:32	08:40	09:12	£9.50	
				00:32	09:10	09:42		
Anstruther (3,550)	Dundee	22	Car	00:27	16:18	16:45		
			Bus	00:36				
			Bus	00:55	08:08	09:03	£5.80	
				01:20	16:05	17:25		
			Car	00:42				
Anstruther	Cupar	17	Car	00:29				
			Bus	01:04	08:08	09:12	£9.50	
				00:56	16:33	17:29		
			Car	00:17				
			Bus	00:29	08:02	08:31	£5.80	
Newburgh (2,130)	Dundee	19	Bus	01:54	08:02	09:56		
				00:48	16:11	16:59		
			Car	00:29				
			Bus	01:18	08:02	09:20	£9.50	
				01:09	16:10	17:19		
Pitenweem (1,620)	Cupar	17	Car	00:16				
			Bus	01:07	07:56	09:03	£5.80	
				01:20	08:36	09:56		
				00:59	16:42	17:41		
			Car	00:48				
Pitenweem	Dundee	24	Bus	01:16	07:56	09:12	£9.50	
				01:08	16:33	17:41		
			Car	00:48				

From (Population)	To	Distance (miles)	Travel Mode, Time and Cost					Return Fare
			Mode	Time	Leaves	Arrives		
Arbroath (21,810)	Forfar	15	Car	00:24				
			Bus	01:35	07:55	09:30	£6.50	
			Bus	01:08	16:11	17:19		
Marykirk (960)	Arbroath	20	Car	00:34				
			Bus	00:48	08:00	08:48	£6.50	
				01:02	09:11	10:13		
Marykirk	Forfar	21	Car	00:45	16:41	17:26		
			Bus	00:28				
			Bus	02:10	07:20	09:30	£6.50	
Montrose (11,180)	Arbroath	12	Car	01:48	15:58	17:46		
			Bus	00:22				
			Bus	00:23	08:25	08:48	£6.50	
Montrose	Forfar	20		00:13	09:18	09:31		
			Rail	00:23	16:15	16:38		
			Rail	00:15	08:59	09:14	£6.20	
Montrose	Forfar	20	Car	00:15	16:05	16:20		
			Bus	00:31				
			Bus	02:02	07:28	09:30	£6.50	
				01:10	16:35	17:45		

4.44 We accept that for those who presently reside in one of these three locations additional travelling costs would be incurred in attending court. Overall travel distances and times appear reasonable, and well within what might be regarded as an acceptable commute. It is possible to travel to and from court in the same day. We recognise the need for an early start and a longer journey for those in Montrose and Marykirk.

4.45 People attend court each day for many reasons. Some will be involved in court cases; others will attend in support of those appearing, to obtain information or merely to observe proceedings in court. To give some measure of the number of people who might be affected by the closures, we have considered some information we have for the year 2011/12. In that year the number of people prosecuted before these courts was 1465 in Alloa; 741 in Cupar, and 1626 in Arbroath.⁴⁷ Not all of these people will have lived within the sheriff court district, and not all will have attended court: some will have pled guilty by letter and been sentenced without the need for an appearance; and for various reasons some of the prosecutions will not have proceeded.

4.46 We estimate that around a total of 850 people will have been called as civilian witnesses for the prosecution in the summary trials that took place in Alloa, 440 in Cupar and 1310 in Arbroath. Again, not all of these witnesses will have resided within the sheriff court district.

⁴⁷ Combined total for sheriff court and justice of the peace court

4.47 Nineteen jury trials took place in Alloa during the period, requiring a total of 45 court days. In Cupar there were six jury trials, requiring some 23 court days. The corresponding figures for Arbroath are eleven jury trials and 41 days. We estimate around 800 people⁴⁸ would have attended court to fulfil their duty for jury service, but only the 15 balloted as jury members in each trial would have been required to attend court every day of a trial.

4.48 In the civil jurisdiction the total number of (a) ordinary actions in which a debate on legal matters proceeded or evidence was heard at proof, and (b) the number of summary cause or small claims proofs that took place, give an indication of the occasions on which parties and their witnesses would most likely attend at court. In the year 2011/12 these figures for Alloa are: (a) ordinary: 7; (b) summary cause/small claim: 5. For Cupar the figures are: (a) ordinary: 22; (b) summary cause/small claim: 17; and for Arbroath: (a) ordinary: 22; (b) summary cause/small claim: 18.

⁴⁸ Alloa 320; Cupar 320; Arbroath 160

TAYSIDE, CENTRAL AND FIFE	High Court	Sheriff	Sheriff	Summary Sheriff	Sheriff Appeal Court	JP Court
		Solemn	Civil/Misc	Summary Crime and Civil		
Dundee SC and JP	NO	DUNDEE CUPAR ARBROATH FORFAR	DUNDEE CUPAR ARBROATH FORFAR	DUNDEE CUPAR	NO	DUNDEE CUPAR
Forfar SC and JP	NO	NO	NO	FORFAR ARBROATH	NO	FORFAR ARBROATH
Cupar SC and JP	CLOSURE					
Falkirk SC and JP	NO	FALKIRK STIRLING ALLOA	FALKIRK STIRLING ALLOA	FALKIRK	NO	FALKIRK
Stirling SC and JP	NO	NO	NO	STIRLING ALLOA	NO	STIRLING ALLOA
Alloa SC and JP	CLOSURE					
Dunfermline SC and JP * additional capacity as required	YES*	DUNFERMLINE KIRKCALDY	DUNFERMLINE KIRKCALDY	DUNFERMLINE	NO	DUNFERMLINE
Arbroath SC and JP	CLOSURE					
Perth SC and JP	NO	PERTH	PERTH	PERTH	YES	PERTH
Kirkcaldy SC and JP	NO	NO	NO	KIRKCALDY	NO	KIRKCALDY

The Sheriffdom of Grampian, Highland and Islands

4.49 The principal changes to the current structure in the Sheriffdom of Grampian Highland and Islands are (a) the concentration of sheriff and jury business and the sheriff's civil and administrative jurisdiction for the Grampian area in Aberdeen and for the Highlands and Islands area in Inverness (b) the provision of summary justice for the Sheriffdom through Aberdeen, Stonehaven, Banff, Elgin, Fort William, Inverness, Tain, Peterhead, Wick, Kirkwall, Lerwick, Lochmaddy, Portree and Stornoway (c) the closure of Dornoch, Dingwall and Stonehaven Sheriff Courts and the transfer of the business from Dornoch to Tain, Dingwall to Inverness and from Stonehaven to Aberdeen, and (d) the disestablishment of the JP Courts in Portree, Stornoway and Wick, with all summary criminal business thereafter being heard in the local sheriff court.

Dornoch, Dingwall and Stonehaven Sheriff Courts

4.50 All those with business in Dornoch, Dingwall and Stonehaven Sheriff Courts would, under the new structure, need to travel to Tain, Inverness and Aberdeen respectively. The following table provides an illustration of what this might mean in practice.

From (Population)	To	Distance (miles)	Travel Mode, Time and Cost					
			Mode	Time	Leaves	Arrives	Return Fare	
Dornoch (1,316)	Tain	9	Car	00:17				
			Bus	00:17	09:05	09:22	£12.00	
			Bus	00:15	09:15	09:30		
			Bus	00:11	16:09	16:20		
Brora (1,210)	Dornoch	16	Car	00:28				
			Bus	00:26	08:48	09:14	£12.00	
				00:25	15:49	16:14		
Brora	Tain	23	Car	00:36				
			Bus	00:42	08:48	09:30	£12.00	
				01:19	16:50	18:09		
Helmsdale (876)	Dornoch	28	Car	00:45				
			Bus	00:42	08:32	09:14	£12.00	
				00:42	15:49	16:31		
Helmsdale	Tain	34	Car	00:53				
			Bus	00:58	08:32	09:30	£12.00	
				00:59	15:32	16:31		
				01:36	16:50	18:26		
			Rail	01:25	08:01	09:26	£19.50	
			01:29	15:04	16:33			
Golspie (1,410)	Dornoch	10	Car	00:17				
			Bus	00:17	08:57	09:14	£12.00	
				00:16	15:49	16:05		
Golspie	Tain	17	Car	00:27				
			Bus	00:33	08:57	09:30	£12.00	
				00:33	15:32	16:05		
				01:10	16:50	18:00		
			Rail	01:00	08:26	09:26	£18.60	
			01:04	15:04	16:08			

From (Population)	To	Distance (miles)	Travel Mode, Time and Cost					Return Fare
			Mode	Time	Leaves	Arrives		
Dingwall (5,080)	Inverness	14	Car	00:25				
			Bus	00:27	09:03	09:30	£5.50	
			Bus	00:27	16:25	16:52		
			Rail	00:37	08:16	08:53	£8.80	
				00:31	17:15	17:46		
Muir of Ord (2,360)	Dingwall	7	Car	00:14				
			Bus	00:14	08:20	08:34	£5.50	
				00:15	16:10	16:25		
			Rail	00:11	09:20	09:31	£3.50	
				00:10	16:19	16:29		
Muir of Ord	Inverness	13	Car	00:22				
			Bus	00:25	08:28	08:53	£5.50	
				00:34	09:25	09:59		
				00:41	16:20	17:01		
				Rail	00:25	08:28	08:53	£5.90
					00:20	17:15	17:35	
Ullapool (1,500)	Dingwall	46	Car	01:15				
			Bus	01:10	08:50	10:00	£10.00	
				01:11	15:59	17:10		
Ullapool	Inverness	57	Car	01:28				
			Bus	01:20	08:50	10:10	£12.00	
				01:40	17:20	19:00		
Evanton (869)	Dingwall	7	Car	00:15				
			Bus	00:25	08:19	08:44	£10.00	
				00:16	17:05	17:21		
Evanton	Inverness	17	Car	00:29				
			Bus	00:28	08:38	09:06	£10.00	
				00:28	09:08	09:36		
				00:39	16:40	17:19		

From (Population)	To	Distance (miles)	Travel Mode, Time and Cost					Return Fare
			Mode	Time	Leaves	Arrives		
Stonehaven (10,820)	Aberdeen	16	Car	00:25				
			Bus	00:51	08:20	09:11	£7.30	
			Bus	00:37	08:50	09:27		
			Bus	00:16	16:37	16:53		
Banchory (7,030)	Stonehaven	16	Car	00:26				
			Bus	01:35	07:45	09:20	£7.30	
				01:49	08:01	09:50		
Banchory	Aberdeen	17	Car	00:37				
			Bus	00:54	08:01	08:55	£7.30	
				00:51	08:46	09:37		
				00:56	16:10	17:06		
Portlethen (7,130)	Stonehaven	10	Car	00:18				
			Bus	00:21	08:59	09:20	£7.30	
				00:13	16:25	16:38		
Portlethen	Aberdeen	8	Car	00:16				
			Bus	00:22	08:49	09:11	£5.30	
				00:27	09:04	09:31		
				00:19	16:15	16:34		
Ballater (1,460)	Stonehaven	40	Car	01:02				
			Bus	01:46	06:59	08:45	£13.00	
				02:10	16:25	18:35		
Ballater	Aberdeen	43	Car	01:16				
			Bus	01:27	06:59	08:26	£13.00	
				01:47	08:25	10:12		
				01:53	16:35	18:28		
Braemar (615)	Stonehaven	57	Car	02:45				
			Bus	02:46	07:50	10:36	£13.00	
				02:36	16:25	19:01		
Braemar	Aberdeen	60	Car	02:12				
			Bus	02:22	07:50	10:12	£13.00	
				02:11	16:50	19:01		

4.51 We accept that for many Dornoch, Dingwall and Stonehaven court users their journey to the courts in Tain, Inverness and Aberdeen would be marginally longer and cost more, particularly for those who reside in the town where their current local court is located. For some court users who reside outwith the town of their current local court, the journey time could decrease, and for those who use public transport their travel costs would remain the same or reduce. The journey that many court users would be required to undertake would be comparable with that they currently make to their local court in Dornoch, Dingwall and Stonehaven. The journey would be regarded as within reasonable daily travelling distance.

4.52 People attend court each day for many reasons. Some will be involved in court cases; others will attend in support of those appearing, to obtain information or merely to observe proceedings in court. To give some measure of the number of people who might be affected by the closures, we have considered some information we have for the year 2011/12. In that year 101 people were prosecuted in Dornoch, 547 in Dingwall and 963 in Stonehaven.⁴⁹ Not all of these people will have lived within the sheriff or JP court district, and not all will have attended court: some will have pled guilty by letter and been sentenced without the need for an appearance; and for various reasons some of the prosecutions will not have proceeded.

4.53 We estimate that around 90 people will have been called as civilian witnesses for the prosecution in the summary trials that took place in Dornoch, 150 in Dingwall and 380 in Stonehaven. Again, not all of these witnesses will have resided within the sheriff court district. No jury trials took place in Dornoch in 2011/12. Only one jury trial took place in Dingwall, lasting three days, and four took place in Stonehaven lasting in total twenty days. We estimate that around 300 in people in total would have attended court to fulfil their duty for jury service.

4.54 In the civil jurisdiction the total number of (a) ordinary actions in which a debate on legal matters proceeded or evidence was heard, and (b) the number of summary cause or small claims proofs that took place, give an indication of the occasions on which parties and their witnesses would most likely attend at court. In the year 2011/12 the figures for Dornoch are (a) ordinary: 1; (b) summary cause/small claim: 5; Dingwall (a) ordinary: 6; (b) summary cause/small claim: 4; and Stonehaven (a) ordinary: 11; (b) summary cause/small claim: 2.

Portree, Stornoway and Wick JP Courts

4.55 We propose to promote the disestablishment of these JP courts. Disestablishment would not mean that the business previously dealt with by the JP Court would no longer be heard locally. All summary criminal business would be heard by the local sheriff court, as presently occurs in Kirkwall and Lerwick districts, where district courts, and subsequently justice of the peace courts, were never established. Court users would not be affected if these courts were disestablished.

⁴⁹ Combined total for sheriff summary court and justice of the peace court

<u>GRAMPIAN, HIGHLAND AND ISLANDS</u>	High Court	<u>Sheriff</u>	<u>Sheriff</u>	<u>Summary Sheriff</u>	Sheriff Appeal Court	JP Court
		Solemn	Civil/Misc	Summary Crime and Civil		
Aberdeen SC and JP	NO	ABERDEEN STONEHAVEN PETERHEAD BANFF	ABERDEEN STONEHAVEN PETERHEAD BANFF	ABERDEEN STONEHAVEN	NO	ABERDEEN STONEHAVEN
Stonehaven SC and JP	CLOSURE					
Banff SC and JP	NO	NO	NO	BANFF	NO	BANFF
Elgin SC and JP	NO	NO	NO	ELGIN	NO	ELGIN
Fort William SC and JP	NO	NO	NO	FORT WILLIAM	NO	FORT WILLIAM
Inverness SC and JP	NO	INVERNESS ELGIN DINGWALL FORT WILLIAM TAIN WICK DORNOCH	INVERNESS ELGIN DINGWALL FORT WILLIAM TAIN WICK DORNOCH	INVERNESS DINGWALL	YES	INVERNESS DINGWALL
Dingwall SC and JP	CLOSURE					
Tain SC and JP	NO	NO	NO	TAIN DORNOCH	NO	TAIN DORNOCH
Dornoch SC and JP	CLOSURE					
Peterhead SC and JP	NO	NO	NO	PETERHEAD	NO	PETERHEAD

<u>GRAMPIAN, HIGHLAND AND ISLANDS</u>	High Court	Sheriff	Sheriff	Summary Sheriff	Sheriff Appeal Court	JP Court
		Solemn	Civil/Misc	Summary Crime and Civil		
Wick SC	NO	NO	NO	WICK	NO	NO
Wick JP	DISESTABLISHED					
Kirkwall SC	NO	KIRKWALL	KIRKWALL	KIRKWALL	NO	NO
Lerwick SC	NO	LERWICK	LERWICK	LERWICK	NO	NO
Lochmaddy SC	NO	LOCHMADDY	LOCHMADDY	LOCHMADDY	NO	NO
Portree SC	NO	PORTREE	PORTREE	PORTREE	NO	NO
Portree JP	DISESTABLISHED					
Stornoway SC	NO	STORNOWAY	STORNOWAY	STORNOWAY	NO	NO
Stornoway JP	DISESTABLISHED					

Part 5

Financial Impact for the Scottish Court Service

5.1 In Part 1 of this paper we set out the current financial context within which we must operate.⁵⁰ We highlighted the reducing revenue budgets for on-going staff, maintenance and operational expenditure, and substantially reduced capital allocations for investment in our estate and infrastructure. While a key driver of the proposals in this paper is to enable us to prepare for major justice system reforms, it is also essential that we are able to operate within the budget limits set by the Scottish Parliament during the current budget period and beyond.

5.2 Following earlier summary justice reform and the consolidation of sheriff courts and justice of the peace courts, we already have substantial experience of the costs and benefits of closing court buildings and bringing together judicial officers, staff and court facilities to maintain or enhance court services.

5.3 The savings from the proposals in this paper will be on top of savings already achieved since 2010 from the amalgamation of court business into single buildings in towns and cities which had previously operated separate sheriff court and justice of the peace court buildings. These five amalgamations of sheriff courts and justice of the peace courts, in Ayr, Glasgow, Kilmarnock, Paisley and Perth, are expected, over time, to deliver recurring revenue savings of £0.5 million from running costs and depreciation, and one-off backlog maintenance savings worth around £2 million. As these proposals did not involve the transfer of court business away from a town or city, they were progressed following local discussion, but did not require full public consultation or the approval of Scottish Ministers or the Scottish Parliament. Both sheriff court and justice of the peace court business is being processed effectively within these locations which are also providing enhanced facilities for court users.

5.4 Drawing on this previous experience, the wider reforms to court structures proposed within this paper will deliver a range of financial benefits for us, including immediate cash savings, namely:

- (i) savings on building maintenance, rates, utilities and other running costs for court buildings that are closed with business, staff and judiciary redeployed elsewhere;
- (ii) operational savings, for example reduced expenditure on copies of legal publications and IT costs across a smaller number of locations;
- (iii) savings on judicial and staff travel and subsistence;

⁵⁰ See page 12

5.5 In addition to direct cash savings, the proposals will also provide the opportunity to achieve efficiencies that will free up both staff and judicial time that can be deployed to better support the processing of court business and wider justice system priorities, including:

- (i) reassigning senior and middle management posts to avoid duplication and better support new service priorities;
- (ii) freeing up capacity of part-time sheriff hours to better meet business demands across sheriffdoms.

5.6 It is not intended to release specific cash savings from these efficiencies, but it is possible to quantify the financial value of the efficiencies.

5.7 There will also be one-off savings and benefits, including:

- (i) substantial backlog maintenance costs, to address significant maintenance and investment issues, will be avoided across a number of sites identified for closure; and
- (ii) the release of one-off capital receipts from building sales.

5.8 On-going maintenance is a key consideration. With reduced capital funding available across the current court estate (down from £20.4 million in 2010/11 to £4 million by 2014/15), there is increased risk of maintenance and building compliance issues across the estate, and even of a significant failure resulting in a building or buildings being unavailable for operational use, with the resultant impact on the progress of court business. A reduced court estate would allow us to target resources better to maintain the remaining estate in a fit condition, and to invest in improved facilities and technology for the best interests of court users.

5.9 Capital receipts are dependent on the ultimate sale value of any buildings that are sold. Based on independent advice, and experience from previous court building disposals, we have made a cautious overall estimate of the potential sale value of those buildings owned by us and identified for possible closure. Capital receipts from building sales can be used only for limited purposes within the year in which they are received. They have not, therefore, been included as a significant element of the financial justification for these proposals, but will offer resources for reinvestment into the remaining estate.

Cost

5.10 We acknowledge that there would be some one-off, up-front costs and recurring expenses for us arising from these proposals, namely:

- (i) one-off costs associated with preparing buildings for closure and eventual sale;

- (ii) annual retention costs for securing and maintaining buildings following closure, but pending disposal, such as security and some basic heating costs;
- (iii) the one-off costs of preparing receiving sites to accommodate additional staff, judiciary and court business, for example new office accommodation and chambers;

5.11 Taken together we estimate that the proposals in this paper, once implemented in full, would deliver recurring annual cash running cost savings of £1.4 million a year. The cash equivalent value of capacity and time releasing efficiencies is estimated at £0.5 million. The proposals would also deliver one-off savings on estimated backlog maintenance costs for the courts identified for closure of over £4.3 million. The total value of possible capital receipts, subject to final sale values, is estimated conservatively at around £2.2 million overall.

5.12 The following illustrates the anticipated savings and costs to the Scottish Court Service from these proposals:

Recurring Savings, Efficiencies and Costs	£
<i>Recurring Cash Savings / Costs</i>	
Annual Building Running Cost Savings	855,000
Depreciation Savings	375,000
Annual Operational Savings	100,000
Travel and Subsistence Savings	100,000
Total Net Recurring Cash Savings	<u>1,430,000</u>
<i>Estimated Recurring Capacity Releasing Efficiencies</i>	
Staff capacity releasing efficiencies	190,000
Part-time sheriff days capacity releasing efficiencies	300,000
Total cash equivalent of time releasing efficiencies	<u>490,000</u>
One-Off and Short-Term Savings and Costs	£
Estimated One-Off Backlog Maintenance Saving	4,300,000
Estimated One-Off Capital Receipts on Disposal	2,200,000
Estimated One-Off Restructuring Costs	(645,000)
Estimated costs for constructing additional court capacity	(1,380,000)
Short-Term Annual Retention Cost Pre-Disposal	(155,000)

Implementation Timescale

5.13 The exact timescale over which the full value of the savings and efficiencies are released would depend on when business was transferred from closing courts to receiving courts and when individual buildings were disposed of, removing on-going retention cost for security and maintenance. It is likely that the closure of buildings and transfer of business would be phased, mostly during 2013/14 and 2014/15, to minimise disruption to court business and to allow for the efficient redeployment of staff and judiciary. We have made a commitment to Scottish Court Service staff against any compulsory redundancies arising from these or other efficiency proposals.

5.14 The table below provides an illustration of how we project net recurring revenue savings will build over time, on top of savings already achieved from existing closures, as buildings are closed and ultimately disposed of. It should be noted this does not include any allowance for non-cash efficiency savings, backlog maintenance savings or receipts from building disposal.

	Net Savings from 5 court buildings already closed (including depreciation)	Net Savings/(Costs) from proposals in consultation paper (inc. depreciation)	Total Net Savings (incl. depreciation)
	£	£	£
2013/14	350,000	(970,000)	(620,000)
2014/15	350,000	630,000	980,000
2015/16	490,000	1,200,000	1,690,000
2016/17	500,000	1,270,000	1,770,000
2017/18	500,000	878,000	1,378,000
2018/19	500,000	1,402,000	1,902,000
2019/20	500,000	1,416,000	1,916,000
2020/21	500,000	1,429,000	1,929,000

Financial analysis of court running cost savings and costs associated with proposals for court closures

Court	Annual Running Cost Saving	Annual Depreciation	Total Net Annual Running Cost Saving inc. depreciation	Estimated Backlog Maintenance Saving	Estimated Capital Receipt on Disposal ¹	Restructuring Costs	Additional Court Capacity Costs	Annual Retention Costs Pre-Disposal
	Recurring	Recurring	Recurring	One-Off	One-Off	One Off		Short-Term
Aberdeen JP ²	65,000	8,000	73,000	164,000	-	(13,000)	(460,000)	(4,000)
Alloa ²	37,000	75,000	112,000	1,016,000	-	(64,000)	(460,000)	(13,000)
Annan JP	8,000	0	8,000	0	0	0	-	0
Arbroath	70,000	55,000	125,000	132,000	-	(132,000)	-	(15,000)
Coatbridge JP	86,000	0	86,000	0	0	0	-	0
Cumbernauld JP ²	81,000	20,000	101,000	252,000	0	(47,000)	(460,000)	(29,000)
Cupar	38,000	35,000	73,000	470,000	-	(91,000)	-	(4,000)
Dingwall	26,000	29,000	55,000	326,000	-	(40,000)	-	(12,000)
Dornoch	45,000	24,000	69,000	186,000	-	(19,000)	-	(9,000)
Duns	15,000	15,000	30,000	152,000	-	(14,000)	-	(4,000)
Haddington	47,000	34,000	81,000	471,000	-	(45,000)	-	(7,000)
Hamilton JP	53,000	13,000	66,000	166,000	-	(19,000)	-	(21,000)
Irvine JP	61,000	1,000	62,000	0	-	(9,000)	-	0
Kirkcaldy JP	22,000	4,000	26,000	118,000	-	(14,000)	-	(9,000)
Kirkcudbright	35,000	33,000	68,000	420,000	-	(36,000)	-	(14,000)
Motherwell JP	100,000	0	100,000	0	0	(19,000)	-	0
Peebles	17,000	0	17,000	0	0	(2,000)	-	0
Rothsay	6,000	0	6,000	0	0	(2,000)	-	0
Stonehaven	42,000	28,000	70,000	383,000	-	(79,000)	-	(14,000)
TOTAL	855,000	375,000	1,229,000	4,256,000	2,215,000	(645,000)	(1,380,000)	(155,000)

1. Individual estimated capital receipts for each building are not shown ahead of marketing and sale. An overall assessment by an independent analyst of the potential total receipts on disposal for all owned properties identified for closure is shown.
2. Restructuring costs for Aberdeen JP Court, Alloa Sheriff Court and JP Court and Cumbernauld JP Court includes £0.460m each in estimated costs of the need to build additional courtroom capacity at, respectively, Aberdeen Sheriff Court, Falkirk Sheriff Court and JP Court and Airdrie Sheriff Court and JP Court to facilitate business transfers.

Part 6

What the proposals mean for other justice organisations

6.1 We are very aware that changes we make to the structure of the court system can have an impact on the other public service organisations that work alongside us in the support of justice. We would be self-defeating if we proposed structural changes that created such problems for another party in the system that our proposals became unworkable. To avoid such an outcome, the proposals in this consultation paper have been developed through a joint working group involving those bodies with whom we work most closely in managing and supporting the justice system, namely the Association of Chief Police Officers in Scotland (ACPOS), the Crown Office and Procurator Fiscal Service (COPFS), the Scottish Legal Aid Board (SLAB) and the Scottish Prison Service (SPS).⁵¹

6.2 We have also sought the views of the Association of Directors of Social Work on behalf of local authority criminal justice social work services.

6.3 There is broad support among other justice organisations of the need to review how court services are provided and to ensure co-ordinated responses to reforms of the justice system.

6.4 In this Part we summarise what these bodies have told us about the potential impact of our proposals on their operational responsibilities.

Crown Office and Procurator Fiscal Service

6.5 COPFS is responsible for the prosecution of crime in Scotland.

6.6 COPFS are supportive of the proposal to restrict the High Court venues for a number of reasons. Fewer, but fixed, High Court venues would allow them to deliver significant improvements in the provision of services to victims and witnesses and to focus 'at court' VIA services on a set number of regular venues.⁵² Services provided for the bereaved relatives fund (operated by COPFS and Scottish Government for those relatives who would otherwise not have travel and accommodation expenses met because they are not witnesses) would also realise efficiencies if it were to deliver in fewer and fixed locations.

6.7 The preparation of High Court cases is already a specialty which is centralised in particular COPFS offices. COPFS would locate these specialist units near the venues chosen as permanent High Court venues. Fewer and permanent venues would also allow COPFS to strengthen its support to Crown Counsel in court and pursue better facilities for production storage and associated improved access for defence agents.

⁵¹ In addition to managing Scotland's prison system, the Scottish Prison Service oversees the contract for the provision of court custody and prisoner escort services.

⁵² VIA (Victim Information and Advice) is part of COPFS. The VIA service offers help to victims, witnesses and bereaved nearest relatives affected by certain categories of crime.

6.8 Fewer locations would also offer COPFS and the Scottish Court Service greater opportunity to secure provision of technology in courts more efficiently, with the fewer courthouses used as High Court venues benefiting from specific investment in the equipment required in many of the cases, and potentially justifying the employment of persons to manage and operate increasing complex technology, thereby improving the electronic presentation of evidence in court.

6.9 COPFS is also supportive of the proposals to centralise sheriff and jury work. They already treat the preparation and presentation of sheriff and jury cases as a specialty and are moving towards centralising the preparation of cases in bigger units in fewer fiscal offices. Using fewer venues for sheriff and jury business would be helpful for many of the reasons outlined in connection with the High Court Circuit.

6.10 In addition to allowing more focused delivery of VIA services, and more regular arrangements for travel and accommodation, there would be scope for fewer delays before disposal and less lengthy adjournments if there were larger more regular sittings in which cases could call than is currently possible within individual sheriff court districts.

6.11 While there is likely to be an increase in witness expenses for COPFS in the short term, it is to be anticipated that the greater efficiency which ought to attend increased specialisation will lead to an increase in the number of early pleas of guilty and a reduction in the number of cases which are adjourned to a further trial diet, in some cases on more than one occasion. The reduction in witness expenses arising from these factors will offset any increase in witness expenses arising from greater travelling times and distances.

Association of Chief Police Officers in Scotland

6.12 ACPOS is the professional voice of police leadership in Scotland. It works with central and local government and other justice bodies to set strategic objectives for policing in Scotland.

6.13 As part of *Making Justice Work*, we are engaging with ACPOS, the COPFS and other justice organisations to improve arrangements for police attendance at court as witnesses. This work includes the provision of better access to information about police availability for COPFS and court schedulers; improved COPFS guidelines for citing and countermanding police witness; expanded use of standby arrangements for police witnesses, and measures to reduce the overall number of officers required to attend court as witnesses.

6.14 ACPOS are generally supportive of our proposals to reduce the number of places where the High Court sits on circuit, although noting that this would have some travel implications for police and other witnesses and the movement of productions, particularly in the Northern Constabulary area.

6.15 ACPOS also support the principles underpinning the proposed changes to the sheriff court and justice of the peace court structure. Again, it is acknowledged that this will have

some impact on increased travel distances for police officers and witnesses and might discourage some witnesses from attending court.

6.16 Within *Making Justice Work*, specific work is also being undertaken to encourage witnesses to attend court, including measures to support vulnerable and intimidated witnesses, improved guidelines for citing civilian witnesses and better information for witnesses about what to expect when attending court.

6.17 Taking account of the various proposals, ACPOS consider that the need to provide officers to police fewer court sites, even when balanced with increased travelling costs, would generate some financial saving for police forces overall.

Scottish Prison Service

6.18 The Scottish Prison Service has welcomed the proposals to reduce the number of court locations to which prisoners have to be transported. Overall, it is considered that the rationalisation of court locations will reduce travel distances for prisoners attending proceedings.

6.19 As the overall number of prisoners being transported would remain broadly the same, SPS does not project significant efficiency savings from these measures in isolation. Significant savings on prisoner transport (from a police custody unit or prison) could potentially be achieved through greater use of live link technology to remove the need for an accused's physical presence in the courthouse. Work to enhance the use of video links between prisons and courts, initially in appellate hearings of the High Court, is being taken forward as part of *Making Justice Work*.

6.20 SPS noted that any routine increase in the court sitting day as a consequence of using fewer court locations would have a significant operational impact on the prisons and the escort contractor, with consequential resource implications. The current proposals aim not to increase court sitting times overall.

6.21 SPS also noted the need to ensure appropriate facilities in the courthouses for those prisoners who required to make a personal appearance. One of the key considerations used in determining the proposals set out in this consultation document was to ensure adequate cell accommodation and other facilities for prisoners. Overall, our assessment is that the withdrawal from certain less suitable court locations will enhance the quality and security of accommodation for prisoners appearing from custody.

Scottish Legal Aid Board

6.22 The Scottish Legal Aid Board's main functions are to manage the legal aid fund and advise Scottish Ministers on the current operation and development of legal aid provisions.

6.23 The Board noted the proposal to consolidate High Court cases in Edinburgh, Glasgow and Aberdeen. On the basis that the vast majority of High Court work is undertaken by city

firms of solicitors and counsel based in these areas, it is anticipated that there will be some modest saving to the legal aid fund in respect of travel from this proposal.

6.24 The Board tells us that the courts identified for potential closure currently conduct only around 5% of cases supported by civil legal aid, and less than 5% of cases in which criminal legal aid has been made available. The majority of sheriff court work in civil and summary criminal proceedings is undertaken by solicitors local to that court. Accordingly, there is likely to be a small marginal increase in legal aid costs, although less than the savings from the consolidation of the High Court circuit.

6.25 The Board anticipates that proposals to centralise sheriff and jury business would achieve some modest savings to the legal aid fund as sheriff and jury work tends to be undertaken by larger city firms already based in these areas.

6.26 Overall, the Board estimates that there would be a relatively small positive impact on legal aid costs in terms of solicitors' and counsels' travelling expenses.

6.27 The Scottish Legal Aid Board is also a provider and funder of advice services through a programme of grant funded projects and its network of civil legal assistance offices and public defence solicitors. These services focus on helping people who are facing court action across the country, including people living in more remote areas of the country. As with other bodies, and as noted in this consultation document, court closures may have some impact on the costs for individuals of accessing and attending court.

Association of Directors of Social Work – Criminal Justice Social Work

6.28 The Association of Directors of Social Work ("the Association"), through its members in local authority social work departments, provides the courts with information to inform the sentencing process, and supervision of offenders on whom a community sentence is imposed.

6.29 The Association recognises that while recently introduced reforms are demonstrating positive outcomes, further improvement is needed, and that, faced with changing business demands and financial constraints, now is the appropriate time to consider the needs and shape of the court service to meet future demands.

6.30 The transfer of court business out of local authority areas would have implications for the delivery of court social work services and may impact on the ability of social workers to attend court at short notice to provide assistance, and might cause additional demands on the local authority in which the court is located. Groups identified as presenting particular issues are children and young offenders and women.

6.31 The transfer of criminal and civil business away from a local court, where the judiciary, court staff and legal profession have a knowledge about local circumstances, needs and vulnerable groups - information that is considered critical in the sentencing or decision

making process – could have unintended consequences that would create additional demands for justice organisations.

6.32 The transfer of court business, either to specialist courts or following court closure, would give rise to increased travelling and associated costs for all involved. The Association is concerned about the impact this may have on those involved in the justice process as accused persons, and for social work departments having to deal with those who may have insufficient means to return to their home area. It is unknown at this stage how changes to the benefit systems crisis loans will impact in this area; however there are concerns that there could be a disproportionate impact on local authority social work departments.

6.33 The merits of specialist courts are recognised and it is acknowledged that many court buildings have less than adequate facilities to manage the complexities of such business especially offering appropriate services to victims and witnesses. However there is concern that transfer of business and creating specialist centres could deskill staff and impact on career opportunities.

6.34 The Association welcomes recent pilot initiatives that have demonstrated positive outcomes in reducing non attendance of witnesses and accused persons, and believes there are further opportunities to maximise the use of technology, including where appropriate video conferencing.

Part 7

Economic Impact of Proposals

7.1 In Part 5 we considered the financial implications of the proposals within this consultation paper. Scotland's courts play a vital role in the economic life of our communities and country. People and businesses need to know that, when necessary, access to justice is available to resolve disputes and address criminal activity, and that cases can be resolved within reasonable timescales.

7.2 It is important to emphasise that the intention of the proposals in this paper is not to reduce the overall levels of activity within Scotland's courts, but to realign where that business is undertaken to take account of justice system reforms and financial efficiency. Cases, staff and judiciary will transfer to new locations. We will continue to invest, within the resources made available to us, in the court estate. The overall economic impact of these proposals at an all-Scotland level should, therefore, be broadly neutral. In practice, by releasing resources from buildings rather than cutting capacity through reduced staffing and judicial sitting days, the proposals should help preserve economic activity relative to the *status quo*. However, with the transfer of activity away from some locations and the closure of court buildings, we acknowledge that there will be some limited potential economic impact for local communities. Court closures can have a number of potential economic impacts for individual communities.

7.3 These include: (a) reduced expenditure by court staff and judiciary as a result of their transferring to alternative locations; (b) reduced expenditure by those attending the court on court business; and (c) impacts for local businesses connected with the courts, e.g. local solicitors and law accountants.

7.4 Concern has also been expressed about the impact for local communities of former court buildings sitting empty and unused for extended periods of time.

7.5 The economic life of any community does not stand still and there is a constant process of renewal as businesses and services close or evolve and new ventures emerge. We have, over recent years, closed a number of court buildings as a consequence of business transfers. The table below provides information on the timescale between closure and the sale of the building for alternative use.

	Closure	Sale	Time between closure and sale
Peebles Sheriff Court	April 2004	December 2006	20 months
Rothsay Sheriff Court	February 2005	December 2007	34 months
Linlithgow Sheriff Court	February 2009	February 2010	12 months
Paisley JP Court	May 2011	March 2012	10 months

7.6 Where alternative use is made of former court buildings, court closure can result in new and enhanced economic activity. For example, the former court building in Peebles now accommodates a restaurant, hair salon and bookshop.

7.7 The criteria used to identify courts for possible closure, namely low business volumes and proximity to other court locations, should help to mitigate the other identified economic impacts. For example, most of the courts identified for closure are smaller courts with low staff and judicial numbers or, in some cases (e.g. Duns, Peebles, Rothesay and the stand-alone JP courts), no permanent staffing or judiciary. In all locations, our staff account for a tiny proportion of total employment. The table below shows the number of permanent staff (full and part-time) employed within each court relative to total employment within the local Travel to Work Area (TTWA)⁵³ and the overall employment rate relative to the all-Scotland average of 71% as at April 2012⁵⁴.

Court	Scottish Court Service Staff	Total Employment within TTWA	Employment Rate for TTWA (working age population)
Alloa	9	56,800	68.9%
Annan JP	0	36,100	66.5%
Arbroath	8	87,900	68.5%
Coatbridge JP	0	183,600	69.7%
Cumbernauld JP	0	561,400	67.1%
Cupar	6	17,200	74.7%
Dingwall	5	56,300	79.7%
Dornoch	5	3,000	88.3%
Duns	0	8,000	67.3%
Haddington	9	338,600	72.2%
Irvine JP	0	43,800	61.4%
Kirkcudbright	1	6,400	72.1%
Motherwell JP	0	183,600	69.7%
Peebles	1	21,230	71.0%
Rothesay	0	8,200	62.9%
Stonehaven	6	227,400	78.7%

7.8 Of the court locations identified for closure (as opposed to JP courts amalgamating with sheriff courts in the same town), six serve communities that include individual locations among the 5% most deprived areas on the Scottish Index of Multiple Deprivation, namely

⁵³ Travel to Work Areas are data zones recognised by the Office of National Statistics to support labour market analysis and planning. Of the resident economically active population within any TTWA, at least 75% of people must work in the data zone, and of everyone working in the area, 75% must live in the area.

⁵⁴ TTWA employee jobs figures from the *Business Register and Employment Survey 2010*, ONS. Employment statistics are from the *Annual Population Survey*, April 2011 to March 2012.

Alloa, Coatbridge, Cumbernauld, Irvine, Motherwell and Rothesay. However, of these, only Alloa operates a full-time court programme with permanent staffing.

7.9 For those courts identified for closure with full-time court programmes, business would be transferred to locations within reasonable travelling distances, limiting the wider economic impact, for example on solicitors' offices.

7.10 Our overall assessment is that any economic impact from the court closures will be localised, minimal and short-term.

7.11 We recognise that, alongside the economic impact, some communities regard the presence of a court, even one that sits infrequently, as an important element of each community's heritage and civic identity. However, this needs to be balanced against (a) the fact that many other similar or larger communities function without a dedicated local court, (b) the historic and, in many cases, archaic, locations of Scotland's courts, and (c) for some courts, very low volumes of actual court business relative to the costs of maintaining and manning buildings.

Part 8

Summary of the Proposals and the Questions

The High Court Circuit

For the discussion, see pages 23 to 25.

Proposal 1

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.

Question 1 Do you agree with the proposed structure of sittings of the High Court at first instance?

Question 2 If you disagree with the proposed structure of sittings of the High Court at first instance, or a specific aspect of the proposal, please say:

(a) why you disagree, and

(b) how you would prefer the sittings structured, being as specific as you can about how your preference would operate in practice.

Question 3 What impact would our proposals for High Court sittings at first instance have on you?

Please give reasons for your answer.

Consolidating sheriff and jury business and other shrieval specialisation

For the discussion, see pages 27 to 31.

Proposal 2

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.

Question 4 Do you agree with the proposals for a supporting court structure for sheriff and jury business?

Question 5 If you disagree with the proposals for sheriff and jury business, please say:

(a) why you disagree, and

(b) how you would prefer the provision of court facilities for sheriff and jury business to be structured, being as specific as you can about how your preference would operate in practice.

Question 6 Do you agree with the proposal that the sheriff and jury centres should become centres of specialism in the civil, administrative and miscellaneous jurisdiction exclusive to sheriffs?

Question 7 If you disagree with the proposal that sheriff and jury centres should become centres of shrieval specialism, please say:

(a) why you disagree, and

(b) how you would prefer the exercise of the sheriff's exclusive civil, administrative and miscellaneous jurisdiction to be structured, being as specific as you can about how your preference would operate in practice.

Question 8 What impact would the hearing of sheriff and jury business only in these sixteen centres have on you?

Please give reasons for your answer.

Question 9 What impact would shrieval specialisation based in the sheriff and jury centres have on you?

Please give reasons for your answer.

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

For the discussion, see pages 34 to 36.

Proposal 3

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

- (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;
- (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.

Question 10 Do you agree with the proposals for the justice of the peace courts at Annan, Coatbridge, Cumbernauld, Irvine and Motherwell?

Question 11 If you do not agree with the proposals, please say:

(a) why you disagree, and

(b) what court structure would you prefer to support the business of these justice of the peace courts, being as specific as you can about how your preference would operate in practice.

Question 12 What impact would the closure of these justice of the peace courts have on you?

Please give reasons for your answer.

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

For the discussion, see page 37.

Proposal 4

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.

Question 13 Do you agree with the proposal to disestablish the justice of the peace courts at Portree, Stornoway and Wick?

Question 14 If you disagree with the proposal to disestablish these justice of the peace courts, please say

(a) why you disagree, and

(b) what alternative proposal you would prefer to see in place, being as specific as you can about how your preference would operate in practice.

Question 15 What impact would the disestablishment of the justice of the peace courts at Portree, Stornoway and Wick have on you?

Please give reasons for your answer.

Sheriff courts with low volumes of business

For the discussion, see pages 38 to 40.

Proposal 5

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

- (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;
- (b) the business from these courts should be transferred to the neighbouring sheriff court districts and be heard at the sheriff courthouse in Tain, Jedburgh, Dumfries, Edinburgh and Greenock respectively;
- (c) the changes be achieved during the year 2013/14.

Question 16 Do you agree with the proposal to close the sheriff courts and justice of the peace courts at Dornoch, Duns, Kirkcudbright, Peebles and the sheriff court at Rothesay and transfer the business into the neighbouring sheriff court districts of Tain, Jedburgh, Dumfries, Edinburgh and Greenock respectively?

Question 17 If you disagree with the proposals regarding these courts, please say:

- (a) why you disagree, and
- (b) how you would prefer the sheriff court and justice of the peace court provision for these districts structured, being as specific as you can about how your preference would operate in practice.

If you are commenting on only some of the courts affected, please indicate to which court(s) your answer relates.

Question 18 How would the closure of any of these courts affect you?

Please give reasons for your answer and indicate to which court(s) your answer relates.

Sheriff courts in proximity to each other

For the discussion, see pages 38, 39 and 42 to 44.

Proposal 6

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 districts and be heard at the sheriff courthouse 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.

Question 19 Do you agree with the proposals to close the sheriff courts and justice of the peace courts at Alloa, Cupar, Dingwall, Arbroath, Haddington and Stonehaven and transfer the business into the sheriff court districts of Stirling/Falkirk, Dundee, Inverness, Forfar, Edinburgh and Aberdeen respectively?

Question 20 If you disagree with the proposals to close these courts, please say:

(a) why you disagree, and

(b) how you would prefer the sheriff court and justice of the peace court provision for these districts structured, being as specific as you can about how your preference would operate in practice.

If you are commenting on only some of the courts affected, please indicate to which court(s) your answer relates.

Question 21 How would the closure of any of these courts affect you?

Please give reasons for your answer and indicate to which court(s) your answer relates.

Sheriff court district boundaries

For the discussion, see page 46.

Question 22 If you consider that the boundary of any sheriff court district should be redrawn, please specify what changes you would like to see made, and give your reasons for the changes you propose.

General Questions

Question 23 If there are any aspects of this consultation paper about which you wish to comment and an opportunity to do so has not arisen in any of the earlier questions, please let us have your comments here.

Question 24 If there are any aspects of the provision of court services in Scotland about which you wish to comment, express a view or offer an idea, and an opportunity to do so has not arisen in any of the earlier questions, please let us have your comments, views and ideas here.

Part 9

How to respond to this consultation and what happens next

Responding to the Consultation

We are inviting written responses to this consultation. Your response should reach us by noon on Friday, 21 December 2012.

To assist you in responding to the consultation questions we have prepared a response form that you can download through this link: [Response Form](#)

Completed forms, along with the respondent information form (which we explain below), should be submitted

by e-mail to: courtstructures@scotcourts.gov.uk

by post to : Scottish Court Service
Field Services Directorate
Court Structures Consultation
1A Parliament Square
Edinburgh, EH1 1RF

If you chose not to use the prepared form, please indicate clearly in your response which questions you are responding to, as this will aid our analysis of the responses received.

Respondent Information Form

We need to know how you wish your response handled, and in particular whether you are content for your response to be made public. To enable you to do this we ask that you return along with your response a completed respondent information form. The respondent information form is part of the response form. If you choose not to use the response form, you can download the respondent information form through this link: [Respondent Information Form](#)

Completing the respondent information form will ensure that we treat your response appropriately. If you ask that your response should not be published, we will treat it as confidential.

All respondents should be aware that the Scottish Court Service is subject to the provisions of the Freedom of Information (Scotland) Act 2002 (asp 13). This means that we would have to consider any request made to us under the Act for information relating to the responses made to this consultation paper.

What happens next?

Once the consultation has closed, we will analyse all responses and publish a summary of the consultation on our website. We will also publish on our website all responses where the respondent has given permission for the response to be made public.⁵⁵ We reserve the right to edit any such response before publication, but only to avoid publishing any material that may be defamatory.

We will consider the outcome of the consultation before we make a final decision on the matters discussed in this paper. Should we decide to recommend court closures, it would be for Scottish Ministers to submit the necessary statutory orders to the Scottish Parliament. The Parliament may debate the orders. The final decision on whether a court should close rests with the Scottish Parliament.

How to contact us about this consultation

Should you wish to contact us about any aspect of the consultation, you may

telephone David Lynn - 0131 240 6859

e-mail: courtstructures@scotcourts.gov.uk

write: David Lynn
 Scottish Court Service
 Field Services Directorate
 Court Structures Consultation
 1A Parliament Square
 Edinburgh, EH1 1RF

Scottish Court Service
September 2012

⁵⁵ Responses and the consultation summary will be published on the consultations page of the Scottish Courts website. This link will take you to the relevant page [Scottish Courts Consultations](#)



Principles for provision of Access to Justice

Preamble

- A. The following principles have been prepared in discussion among the Lord President, the Lord Justice Clerk and the Sheriffs Principal. These set out broad principles to which they require SCS to have regard in making provision of support under ss.61 and 62 of Judiciary and Courts (Scotland) Act 2008 (2008 Act) concerning the places in which courts should be located and court services should be provided. In planning for the future of the court estate, account should be taken of anticipated demands including developments in the practice and procedures of both criminal and civil business and the requirement to consult publicly and seek approval from Parliament for any substantial changes to sheriff and justice of the peace court locations.
- B. These principles should be read together. In certain circumstances one or more of the principles may need to take precedence over another. All of them must be construed within the statutory duty of the Lord President for the efficient disposal of business in the Scottish courts⁵⁶, and the responsibility of each Sheriff Principal for the efficient disposal of business in the courts within his or her sheriffdom⁵⁷. In providing services in support of the courts of Scotland, and the judiciary in those courts, SCS cannot be asked to provide services at a cost greater than the resources made available by the Scottish Parliament for that purpose.

Principles

- C. The provision of services by SCS must be compliant with Article 6 of the ECHR: that is to say that it must support the determination of a citizen's rights and obligations or of any criminal charge against him or her by way of a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. The manner in which compliance with this Article is achieved is not tied to the number of locations at which SCS provides its services, but it must not do so in a manner that effectively denies to the citizen access to the determination of a right or obligation in civil cases, for example, by reason of excessive cost or the inaccessibility of the venue, or effectively prevents a citizen accused of a criminal charge having a fair trial by reason of, for example, material difficulties in obtaining the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses against him.

⁵⁶ S.2(1) Judiciary and Courts (Scotland) Act 2008 (asp 6)

⁵⁷ S.15(1) Sheriff Courts (Scotland) Act 1971 (c.58) and s.61 Criminal Proceedings etc. (Reform)(Scotland) Act 2007 (asp 6)

- D. Subject to the efficient disposal of business, it is desirable that criminal justice be delivered locally. Quite apart from the convenience of witnesses and the interest of victims, this engages the local community in the administration of justice, including providing the opportunity to serve as justices or jurors. What is involved in the delivery of criminal justice 'locally' may vary with the level of the jurisdiction being exercised.
- E. The SCS should ensure that most people will be able to travel to their local court by public transport so as to arrive at the start of the case in which they are concerned, and be able to return home by public transport on the same day. That local court should as a minimum be able to hear and determine summary criminal cases and lower value, or more straightforward, civil matters. Provision of services beyond that minimum will be determined by reference to the statutory duty of the Lord President and the Sheriffs Principal in respect of the efficient disposal of business in a particular area.
- F. Within each courthouse appropriate facilities must be provided for criminal trials, civil proofs or other hearings where the physical presence of parties or witnesses is required. The use of video conferencing (for example in procedural stages of criminal proceedings or interlocutory or preliminary hearings in a civil case) which may avoid the need for parties to be physically present in a courtroom is in appropriate circumstances acceptable. The appropriateness of the use of video conferencing in a particular case must, subject to any rule of law, be a matter for the presiding judge or sheriff to determine.
- G. SCS should seek to provide services that allow the administrative business of the courts (submission of documents in civil cases, payment of fines etc.) to be undertaken without the need for physical attendance at a court or courthouse, particularly in respect of those parts of Scotland which are remote and where public transport provision is scarcer.
- H. Save where the exceptions provided in Article 6(1) of the ECHR apply, judgment should be pronounced publicly. It is important therefore that court buildings and court proceedings are publicly accessible and that the courts provide information about their work to communities or individuals with particular interest in given cases and to the public more generally.
- I. In providing the facilities for civil and criminal proceedings and in providing services to court users generally, the SCS must ensure that the accommodation or service is :
 - I.i. fit for purpose;
 - I.ii. accessible, safe and secure; and
 - I.iii. consistent with future arrangements for expenditure of public funds.

February 2012

List of Consultees

Aberdeen Bar Association
Aberdeen City Council
Aberdeenshire Council
Abused Men in Scotland
Accountant in Bankruptcy
Action of Churches Together in Scotland
Administrative Justice and Tribunals Council
Advisory Council for Messengers-at-Arms and Sheriff Officers
Advocacy and Support Service for Victims of Domestic Abuse
Advocate General for Scotland
Age Scotland
Airdrie Society of Solicitors
Alzheimer Scotland
Amina Muslim Women's Aid
Angus Council
Angus Women's Aid
Argyll & Bute Council
Association of British Insurers
Association of Chief Police Officers in Scotland
Association of Commercial Attorneys
Association of Directors of Social Work
Association of Personal Injury Lawyers
Association of Scottish Police Superintendents
Auditor of the Court of Session
Ayr Faculty of Solicitors
Barnardo's Scotland
BEMIS
British Association for Adoption and Fostering
Campbeltown Faculty of Solicitors
Capability Scotland
CEMVO Scotland
Centre for Scottish Public Policy
Children 1st
Children's Hearings Scotland, National Convener
Citizens Advice Scotland
City of Edinburgh Council
Clackmannanshire Council
Comhairle nan Eilean Star

Confederation of British Industry Scotland
Consumer Focus Scotland
Convention of Scottish Local Authorities
Court of Session Rules Council
Courts Service of Ireland
Criminal Courts Rules Council
Criminal Injuries Compensation Authority
Crown Office and Procurator Fiscal Service
Cruse Bereavement Care Scotland
Dumfries & Galloway Council
Dundee Bar Association
Dundee City Council
Dunfermline District Society of Solicitors
Dunoon Faculty of Procurators
East Ayrshire Council
East Dunbartonshire Council
East Lothian Council
East Lothian Faculty of Procurators
East Renfrewshire Council
Edinburgh Bar Association
Enable Scotland
Engender
Equality and Human Rights Commission
Equality Network
Ethnic Minorities Law Centre
Faculty of Advocates
Faculty of Procurators and Solicitors in Dundee
Faculty of Procurators for the Stewartry of Kirkcudbright
Faculty of Procurators in Paisley
Faculty of Procurators of Berwickshire
Faculty of Procurators of Caithness
Faculty of Procurators of Dumfriesshire
Faculty of Solicitors at Lanark and District
Faculty of Solicitors in Bute
Faculty of Solicitors in Roxburghshire
Faculty of Solicitors in Shetland
Faculty of Solicitors of Dunbartonshire
Faculty of Solicitors of Kincardine and Deeside
Faculty of Solicitors of Ross-shire and Sutherland
Faculty of Solicitors of the Highlands
Faculty of West Lothian Solicitors
Falkirk and District Faculty of Solicitors
Falkirk Council

Families need Fathers
Families Outside
Family Law Association
Federation of Small Businesses, Scotland
Fife and Forth Valley Community Justice Authority
Fife Council
Glasgow Bar Association
Glasgow City Council
Glasgow Community Justice Authority
Glasgow Women's Aid
Glasgow Women's Library
Govan Law Centre
Greenock Faculty of Solicitors
Her Majesty's Courts and Tribunals Service
Hermat Gryffe Women's Aid
Highland Council
HM Chief Inspector of Prisons for Scotland
HM Inspector of Constabulary for Scotland
Inclusion Scotland
Independent Living in Scotland
Inspectorate of Prosecution in Scotland
Institute of Directors Scotland
Inverclyde Council
Judges of the Court of Session
Judicial Appointments Board for Scotland
Judicial Studies Committee Scotland
Justices of the Peace
Justice for Children
Justice for Victims
Keeper of Registers of Scotland
Kilmarnock Faculty of Solicitors
Kincardine & Deeside Faculty of Solicitors
Kirkcaldy Law Society
LGBT Youth Scotland
Lanarkshire Community Justice Authority
Law Society of Scotland
Lothian and Borders Community Justice Authority
Lothian Gay and Lesbian Switchboard
MECOPP
Members of the European Parliament representing Scotland
Members of the Scottish Parliament
Mental Welfare Commission
Midlothian Council

Moira Anderson Foundation
Money Advice Scotland
Moray Council
Moray Faculty of Solicitors
National Records of Scotland
North Ayrshire Council
North Lanarkshire Council
North Strathclyde Criminal Justice Authority
Northern Community Justice Authority
Northern Ireland Courts and Tribunals Service
Oban Faculty of Solicitors
Office of Fair Trading
Orkney Islands Council
Parole Board for Scotland
Part-Time Sheriffs
Part-Time Sheriffs' Association
Perth and Kinross Council
Perth Faculty of Solicitors
PETAL Support
Peterhead & Fraserburgh Faculty
Procurators Fiscal Society
Professor Alan Paterson, Strathclyde University
Public and Commercial Services Union (Scottish Courts Branch)
Public Defence Solicitors' Office
Quarriers
Rape Crisis Scotland
Renfrewshire Council
Royal Faculty of Procurators in Glasgow
Royal National Institute for Deaf People (Scotland)
SACRO
Samaritans Scotland
Scotland Office
Scotland's Commissioner for Children and Young People
Scotland's Campaign Against Irresponsible Driving
Scotland's Lesbian Gay Bisexual and Transgender Domestic Abuse Project
Scottish Appropriate Adult Network
Scottish Association for Mental Health
Scottish Association of Chief Officers of Scottish Voluntary Organisations
Scottish Association of Children's Panels
Scottish Association of Law Centres
Scottish Association of Social Workers
Scottish Borders Council
Scottish Chambers of Commerce

Scottish Child Law Centre
Scottish Children's Reporters Administration
Scottish Conservative and Unionist Party
Scottish Consortium for Learning Disability
Scottish Consumers Council
Scottish Council for Voluntary Organisations
Scottish Disability Equality Forum
Scottish Domestic Abuse Helpline
Scottish Federation of Small Businesses
Scottish Government
Scottish Green Party
Scottish Human Rights Commission
Scottish Interfaith Council
Scottish Justices Association
Scottish Labour Party
Chairman of the Scottish Land Court
Scottish Law Agents Society
Scottish Law Commission
Scottish Legal Action Group
Scottish Legal Aid Board
Scottish Legal Complaints Commission
Scottish Liberal Democrats
Scottish Mediation Network
Scottish National Party
Scottish Parliament Justice Committee
Scottish Police Federation
Scottish Prison Service
Scottish Public Services Ombudsman
Scottish Refugee Council
Scottish Safeguarders Association
Scottish Trade Union Congress
Scottish Transgender Alliance
Scottish Tribunals Service
Scottish University Law Faculties
Scottish Women's Aid
Scottish Women's Convention
Scottish Women's Aid
Scottish Youth Parliament
Shakti Women's Aid
Shelter Scotland
Sheriff Court Rules Council
Sheriffs
Sheriffs' Association

Sheriffs Principal
Shetland Islands Council
Society of Advocates in Aberdeen
Society of Advocates in Aberdeen
Society of Computers and Law
Society of Law Accountants in Scotland
Society of Local Authority Chief Executives and Senior Managers
Society of Local Authority Lawyers and Administrators in Scotland
Society of Messengers-at-arms and Sheriff Officers
Society of Procurators and Solicitors in the City and the County of Perth
Society of Procurators and Solicitors of Angus
Society of Sheriff Court Auditors
Society of Solicitor Advocates
Society of Solicitors & Procurators of Stirling
Society of Solicitors and Procurators for the Eastern District of Fife
Society of Solicitors in Orkney
Society of Solicitors in Peterhead and Fraserburgh
Society of Solicitors in the Shires of Selkirk and Peebles
Society of Solicitors in the Supreme Courts
Society of Solicitors of Banffshire
Society of Solicitors of Clackmannanshire
Society of Solicitors of Hamilton & District
Society of Solicitors, Airdrie
Society of Writers to the Signet
South Ayrshire Council
South Lanarkshire Council
South West Scotland Community Justice Authority
Stipendiary Magistrates
Stirling Council
Stonewall Scotland
Stranraer Faculty of Solicitors
Strathclyde Gay and Lesbian Switchboard
Tayside Community Justice Authority
Temporary Judges of the Court of Session
Turning Point Scotland
Victim Support Scotland
West Dunbartonshire Council
West Lothian Council
Western Isles Faculty of Solicitors
Wigtown District Faculty of Solicitors
Women's National Commission
Young Scot
