

Scottish Courts and Tribunals Service



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Dear Mr Lumsden

SCOTTISH PARLIAMENTARY QUESTION S6W-33110, S6W-33111, S6W-33112, S6W-33113, S6W-33114, S6W-33115 and S6W-33116.

The Cabinet Secretary in her response to the above PQ indicated that it related to operational matters within the responsibility of the Scottish Courts and Tribunals Service (SCTS) corporate body. I am now writing in response to the matter raised.

S6W-33110: To ask the Scottish Government how many cases were handled in each of the last five years by justices of the peace, broken down by case type

Justices of the Peace (JP's) are lay magistrates, who sit with a legally qualified advisor to deal with summary criminal cases in Justice of the Peace courts. Summary crime is the only court case type which a JP can preside over.

Data on case volumes within the Justice of the Peace courts is accessible in a quarterly format in the Courts Data Scotland: Criminal publication, and also monthly in our Monthly Criminal Management Information publication, going back to 2019-20.

Both of these publications are available on the [official statistics section](#) of our website.

S6W-33111: To ask the Scottish Government what the average caseload is for a justice of the peace.

Justices of the Peace are ordinary members of the community who volunteer their time. The availability of each JP is unique, based on their individual circumstances.

Therefore some JP's will volunteer at a higher or lower frequency than others. They are not assigned a specific caseload or working pattern.

Justice of the Peace court business is not organised in this way i.e. it is not separated by an assigned caseload per JP. One JP may hear a pleading diet in a particular case, while a JP may hear the trial in the same case.

Case volumes do not give an accurate reflection of judicial time. One JP may preside over a summary trial court which may take a full court day to hear 4 trials, while another JP may preside over a procedural court which will call in excess of 100 pleading diets in the same day.

While it is not possible to provide an average caseload of a JP, it is possible to obtain an average count of cases registered per Justice of the Peace Court. This can be achieved by dividing the total cases registered nationally for Justice of the Peace Courts by '34' (the number of JP Court locations).

This data is accessible in a quarterly format in the Courts Data Scotland: Criminal publication and also monthly in our Monthly Criminal Management Information publication, previously referenced.

S6W-33112: To ask the Scottish Government how it monitors the performance and effectiveness of the justice of the peace system.

The SCTS function is administrative. We support justice by providing the people, buildings and services needed to support the judiciary, the courts, devolved tribunals and the Office of the Public Guardian. We have no audit function in respect of overseeing the performance and effectiveness of the justice of the peace system.

In terms of section 2 of the Judiciary and Courts (Scotland) Act 2008, as Head of the Scottish Judiciary, the Lord President is responsible for making and maintaining arrangements for securing the efficient disposal of business in the Scottish courts.

In terms of section 27 of the Courts Reform (Scotland) Act 2014, the Sheriff Principal of a sheriffdom is responsible for ensuring the efficient disposal of business in the sheriff courts of the sheriffdom. The Sheriff Principal must make such arrangements as appear necessary or expedient for the purpose of carrying out this responsibility.

SCTS does produce official statistics to aid data driven decision making. The [Courts Data Scotland: Criminal publication](#) provides key statistics concerning business levels and court backlogs in the JP courts, namely in 'table 5'. The projected number of Trials scheduled at year end for 2024-25 is now lower than pre-Covid levels, indicative of the positive work of the ongoing court recovery programme.

The Scottish Government publication '[Journey times in the Scottish Criminal Justice System: 2023-24](#)' may also be of interest to you. This bulletin assesses an accused person's criminal justice journey time from offence date to case conclusion or verdict for the period from 2023 to 2024. This journey time is broken down by justice system stage and type of crime.

The Scottish Courts and Tribunals Service is an independent, judicially-led, public body and that is independent of Scottish Ministers. The Scottish Government has asked SCTS to answer this question. Should you wish to understand the role of the Scottish Government in relation to these matters, you may wish to enquire further with the Scottish Government Justice Directorate.

S6W-33113: To ask the Scottish Government what support and training is provided to justices of the peace to ensure consistency in their decision-making.

JP training is delivered locally and nationally following the scheme laid out in the Justice of the Peace (Training and Appraisal) Scotland Order 2016. The 2016 Order enshrined the key principle that all sheriffdoms and the Judicial Institute would work in partnership to achieve consistently high-quality training for JPs. All training for JPs follows a set of learning objectives, set out in the National Curriculum for Justices of the Peace.

This Order specifies mandatory training for all JPs of 12 hours per annum. Committees have been established in terms of the Order to deliver and oversee this training. The local committee, the Justices' Training and Appraisal Committee (JTAC), drafts the local training programme each year taking cognisance of the learning cycle and submits the programme to the Justices' Training Committee of the Judicial Institute (JTCJI).

The training is delivered locally to justices using a variety of methods and utilising experienced facilitators and speakers including judicial office holders. There is a focus on practical exercises, discussion groups and mock courts to allow open discussion on options available in decision-making and sentencing and this type of learning and development is specifically to promote consistency. The training delivered is evaluated and an annual report submitted to the JTCJI, which in turn evaluates and reports to the Lord President.

The Judicial Institute delivers national training to justices and all justices must attend a one-day course every three years. One of the courses delivered by the Judicial Institute is "Decision Making for Justices", a course which covers the key aspects of decision-making and sentencing including the role of social context and equal treatment plays.

Justices are supported in court by a Legal Adviser, whose duty it is to provide accurate and independent legal and procedural advice whenever an issue arises during the course of proceedings.

S6W-33114 Douglas Lumsden: To ask the Scottish Government how it ensures that there is an adequate number of justices of the peace to meet demand.

The Scottish Ministers may appoint a person as a JP for a sheriffdom only if that person has been recommended for appointment by the justice of the peace advisory committees (JPAC) for that sheriffdom.

The Sheriff Principal of each sheriffdom is the convener of that sheriffdom's JPAC.

It is a matter for the Sheriff Principal of a sheriffdom to determine whether there is sufficient JP resource to ensure the efficient disposal of business within the Justice of the Peace Courts.

S6W-33115: To ask the Scottish Government what proportion of cases handled by justices of the peace in each of the last five years resulted in convictions.

SCTS uses an operational case management system for the processing of court business. It is structured for these operational needs rather than for statistical

reporting purposes. I regret that the system is not able to produce the specific statistics sought without significant development work with the system developers. This can include substantial costs for the development of tailored programming scripts to extract the data sought.

That said, data on the number of cases concluded nationally at Justice of the Peace Courts is accessible in a quarterly format in the Courts Data Scotland: Criminal publication and also monthly in our Monthly Criminal Management Information [publication](#).

S6W-33116 To ask the Scottish Government what the cost has been of administering the justice of the peace system in each of the last five years.

SCTS does not have access to the required information from all organisations involved in the criminal justice system to provide the full expenditure on administering the Justice of the Peace system. This would require interrogation of costs from;

- Scottish Prison Service
- Crown Office and Procurator Fiscal Service
- Criminal Justice Social Work
- Police
- Scottish Legal Aid Board
- Scottish Courts and Tribunals Service
- Criminal Injuries Compensation

In respect of SCTS costs;

Members of SCTS staff receive an annual salary. Court staff duties are broad and flexible and accordingly SCTS does not keep a granular record of staff time spent providing administration in individual court case types. Miscellaneous costs, such as accommodation, are captured and consolidated within overarching Sheriffdom costs rather than broken down to JP level.

SCTS running costs and financial statements are published in our [annual report and accounts](#) which is available on our website. You may be interested to note that the Scottish Government previously conducted a similar exercise to estimate the expenditure on the adult criminal justice system, broken down by High Court, Sheriff Court and JP Court. The data set is available [online](#).

A copy of this letter will be placed in the Scottish Parliament Information Centre and published on the Scottish Courts and Tribunals Service website.

Yours sincerely



Malcolm Graham
Chief Executive