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Dear Ms Baker

**SCOTTISH PARLIAMENTARY QUESTION S4W-11492 and S4W-11493
Kirkcaldy Sheriff Court**

The Cabinet Secretary in his response to the above PQ indicated that it relates to operational matters within the responsibility of the Scottish Court Service corporate body. I am now writing to you in response to the matter you have raised.

S4W-11492 asks: how many criminal trials have been adjourned at Kirkcaldy Sheriff Court because of (a) a crown motion, (b) a defence motion, (c) failure to appear by an accused, (d) failure to appear by a witness, (e) lack of court time and (f) any other reason in the last three years.

The information is shown in the table below.

Reasons for Criminal Trial Adjournments at Kirkcaldy Sheriff Court

	2009-10	2010-11	2011-12
a) Crown Motion	271	225	243
b) Defence Motion	88	78	85
c) Accused - Fail to Appear	116	155	148
d) Witness - Fail to Appear	288	240	269
e) Lack of Court Time	133	34	105
f) Other Reason	187	136	227

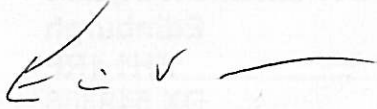
Note: The figures relate to summary and solemn trials. Adjournments counted in a) and b) will also be counted in c) to f).

S4W-11493 asks: what analysis there has been of the people who might be affected by the removal of jury trials from Kirkcaldy Sheriff Court and what information it has on the percentage of people attending the court in the last three years who were (a) receiving benefits and (b) in employment.

Scottish Court Service has carried out an overall assessment of the potential impacts of consolidating Sheriff and Jury business and this is reported on in the consultation paper:- Shaping Scotland's Court Services. The relevant excerpt is enclosed.

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

Yours sincerely



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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?

