

Scottish  
Court Service

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# Shaping Scotland's Court Services

**The Scottish Court Service response to the consultation and  
recommendations for a future court structure in Scotland**

*April 2013*

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## Foreword by the Lord President

Scotland's justice system is changing. In my foreword to the consultation paper *Shaping Scotland's Court Services* I said that it was opportune that the Board of the Scottish Court Service should consider how the provision of courts at all levels could best be provided to meet new and changing needs.

The Board of the SCS now has the benefit of the extensive discussions and testing of its proposals through public consultation. This report summarises the consultation responses. It also makes recommendations for future court provision guided by *Principles for Provision of Access to Justice*, agreed with the Lord President, Lord Justice Clerk and Sheriffs Principal in February 2012.

I am grateful to everyone who responded. Each and every response has been considered in testing the proposals for change set out in the consultation paper. Determining the future shape of Scotland's court structure is a serious responsibility. Doing so against a backdrop of significant change and in a time of severe pressure on the public finances is a difficult task, with few easy answers.

I am confident that the proposals in this Report will contribute significantly to the success of the forthcoming civil justice reforms.

Rt. Hon. Lord Gill  
April 2013

## EXECUTIVE SUMMARY

### Background

1.1 In September 2012 we launched a public consultation to gather views on our proposals for the future provision of court services in Scotland. That formal consultation phase was preceded by a series of dialogue events held 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. The formal consultation document, *Shaping Scotland's Court Services*, was published on 21 September 2012, with the consultation closing on 21 December 2012.

1.2 A full independent report on the responses received is available at [SCS Consultations](#).

1.3 Scotland's courts are an integral part of the wider justice system, both for criminal and civil justice. We therefore fully endorse the Scottish Government's strategy for justice in Scotland and share the vision of a justice system that contributes positively to a flourishing Scotland, helping to create an inclusive and respectful society, in which all people and communities live in safety and security, individual and collective rights are supported and disputes are resolved fairly and securely.

1.4 The recommendations in this report have been developed as part of Scottish Government's Making Justice Work programme, which supports the delivery of the Justice Strategy. We believe the recommendations will contribute to the creation of a cost-effective, proportionate court structure in which cases and appeals are heard by the right court in both civil and criminal cases, reserving the use of the highest courts for the most serious and complex case and recognise that the changes emerging from 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 in Scotland. We are confident that our recommendations provide the capacity to accommodate the proposed criminal and civil courts reforms, with the flexibility to deal with future changes in business volumes.

## The need for change

1.5 The Scottish legal system is about to embark on the most significant changes in well over a century. Civil and criminal justice will be reformed in the coming years following the recommendations arising from the reviews conducted by Lord Gill, Lord Carloway, Sheriff Principal Bowen and the current Victims and Witnesses Bill. These reviews are not simply about a redistribution of existing business, but have implications for how and where court services will be delivered in the future.

1.6 At the same time, public sector funding is under severe pressure, by 2014-15 the court service running cost budget will reduce by 20% in real terms and the capital budget will reduce from £20m to £4m. Therefore there needs to be changes in the way we operate and deliver our services. We have already made substantial savings by reducing staff numbers, reducing sitting court days and streamlining our corporate services, but continuing with these types of cuts in the future will simply reduce our ability to deliver a quality court service.

1.7 We need a court structure that in providing access to justice for the people of Scotland does three things:

- it needs to reflect the planned reforms to the justice system
- it needs to improve the facilities and services for court users
- it needs to be affordable in the long term.

These are difficult things to balance and we already know the status quo is not an option, if we do nothing we will fail to do all three.

## Our vision

1.8 The Consultation Paper set out our long term vision for a future court system that fully supports the provision of access to justice and our aim to build a stronger court service. Key tenets of our vision are that:

- Only matters requiring judicial process should be brought within the courts system and so far as is consistent with the interests of justice, procedural

stages ought to be dealt with in a way that does not entail personal appearance in a court room

- The first choice for the conduct of administrative business should be through technology – electronic, web based, telephone and video links
- Where appearance before a court is necessary, as many participants as possible should be able to appear through live video link
- Justice centres should serve the main population centres of Scotland, with highly specialist and comprehensive facilities in support of the more serious criminal and civil business – with a wider network of smaller court facilities providing access to summary justice.

1.9 We are in no doubt that the optimal future model in the longer term is for purpose built justice centres in key strategic population centres including, the Borders, Fife, Lanarkshire and the Highlands to complement the existing high quality courts that we already have in many of Scotland's cities. While we recognise that achievement of our longer term vision requires significant future investment, we believe that such an investment would provide Scotland with the service model for justice delivery it deserves.

1.10 The recommendations in this report are designed to deliver more immediate short and medium term change that is consistent with our vision and allow us to focus future investment across a smaller group of buildings while maximising the benefit of that investment in the services delivered to court users.

1.11 Our recommendations include High Court cases being heard predominately in three dedicated centres, the closure of 10 sheriff courts (including 9 justice of the peace courts), the closure of 7 justice of the peace courts and a move towards 16 specialist jury centres over a longer 10 year period.

1.12 These recommendations may sound stark but they are proportionate. It has traditionally been the case that the most serious and complex court business of the courts cannot practicably be held locally in all jurisdictions and our recommendations do not change fundamentally the distribution of court business. The three High Court Centres currently hear around 80% of all cases. Around 86% of current sheriff

and jury business is already held across planned specialist jury centres. The volume of business transacted in the Courts recommended for closure is around 5% of the overall Court business.

1.13 We cannot provide better access to justice by avoiding change. While most respondents favoured retaining the status quo, there was a measure of acceptance that against a backdrop of financial constraint, justice reform, reducing business demand in our courts and a need to harness benefits from information and communications technology some element of change was required. Respondents also suggested a number of alternative proposals for achieving efficiencies and an improved quality of service within the broad framework of the current court system, highlighting improving case management; better coordination and programming of court timetables; increased use of video links; coordination and sharing of accommodation with other relevant organisations; and greater use of mediation services. These proposals have merit, and all feature prominently in our planning for future services. We do not consider, however, that these changes alone will allow us to adequately support the future provision of access to justice.

1.14 We consider that our recommendations will preserve access to justice for all the people of Scotland in times of significant financial constraint, provide a fit for purpose estate that can respond to and enable SCS to play its full part in justice reform and provide a sound structure for Scotland's justice system to continuously reform and develop.

## **Responding to Key Themes**

1.15 In the following sections we set out our response on the range of important issues that were raised by respondents to each of our individual consultation proposals. In addition the analysis of the consultation responses identified a number of key themes that broadly applied across all areas of the consultation and these can be summarised as follows:

## **Access to justice**

1.16 The main focus of respondents related to local access to justice. Concerns expressed here related to whether the proposals were consistent with the Judicial Principles for Provision of Access to Justice set out in Appendix A to the consultation. Would they lead to a reduced level of local participation and visibility? Would there be a consequence of loss of local knowledge?

1.17 We recognise the strength of feeling expressed by respondents and we are fully satisfied that our recommendations meet the Judicial Principles for Provision of Access to Justice, allowing us to be able to provide services and facilities that are consistent with the standards of a modern system, capable of effectively supporting justice reforms that is affordable and contained within the reduced budget available to us. The approach we are taking in the recommendations that follow allows us to preserve the essential judicial and staff resources to operate the system as a whole, and to allow future investment, particularly in facilities for jurors, victims and witnesses and in communication technology, to be targeted across a smaller group of buildings.

## **Impact on court users**

1.18 A number of responses understandably pointed to the extent of additional travel and inconvenience. We acknowledge this but have also taken account of the numbers of people likely to be directly affected. Overall, while our recommendations do extend across all levels of jurisdiction, from the High Court to justice of the peace courts, the number of people directly affected is very small. In addition to our specific coverage, we have at Appendix A reported on the proportion of civilian witnesses attending for summary criminal trials who would be directly affected.

1.19 We accept that court closures will, in some cases, result in additional travel distance and cost. In our earlier consultation document we identified 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 which showed that while some people will have increases, others will have lower travel costs and lower distances to travel.

1.20 In terms of impact on police witnesses, under the auspices of the Making Justice Work Programme, measures will be introduced that will reduce significantly the number of police witnesses who require to physically attend court to give evidence. Arrangements are being introduced throughout Scotland, to allow police witnesses to attend at their designated local police station, rather than court, until such time as the case in which they are involved is ready to proceed to trial. Police officers waiting to attend court will undertake productive “front line” policing duties rather than populate court waiting rooms and will be immediately deployed to operational duties if their attendance is no longer required.

### **Impact on the quality of legal services and Administration of Justice**

1.21 We do not believe that any loss of legal posts or legal skills would be significant as a result of court closures. The levels of business will not reduce as a result of our recommendations and in total only around 5% of overall court business will move to another court, which in the majority of cases will be a distance of less than 20 miles.

1.22 There was also concern that increased travel to court would encourage non-attendance at courts. Similar fears were expressed in the context of the establishment of justice of the peace courts and the unification of the court administration where a number of district courts were closed. Our experience is that these fears were not realised and the travel distances and times involved in the district court closures reflect those of the recommended sheriff court closures.

1.23 In relation to potential for increased court delays we are confident from a detailed assessment of court programmes that the capacity exists to comfortably accommodate the business in the receiving courts and in the majority of cases both the staff and judiciary will move with the work. Our planning has taken account of potential business increases arising from aspects of the justice reform programme and we fully expect that a consistent level of performance will be maintained across all courts. There would be no sense, and no benefit for us, simply to overload courts to a level that was unmanageable.

## **Impact on local economy and heritage**

1.24 While a number of responses commented on the potential impact on the local economy and heritage, we have found little evidence to support the concerns. Again, when account is taken of levels of business and proximity of courts, any impact on the local economy would be localised and short term. We recognise that, 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 the fact that many other similar or larger communities function without a dedicated local court and both transport and media information services are vastly different from the Victorian period when many of the current courts were built.

## **Impact on overall public expenditure**

1.25 Our view is that the impact on other parts of the justice system will be favourable. In our consultation, we reported that both COPFS and ACPOS were supportive and felt that the wider benefits of the package of recommendations and efficiencies would minimise any localised impact of cost to witnesses because of increased travel. The Scottish Legal Aid Board saw potential modest savings.

## **Increased use of technology**

1.26 Increased use of technology was largely seen as positive and forms a key part of our future vision for court services. We envisage the first choice for administrative business and cases registration will be by electronic, web based, telephone or video technology and that live video links should be a viable option for many court appearances.

1.27 Many parts of our administrative business are already electronic or web based and this will increase as new systems are developed to support civil court reforms. Similarly we are running a number of video link pilots, most recently with criminal appeals, and further developments are planned.

## **Specialism and centralisation**

1.28 We recognise the importance of striking the right balance in this area and feel our recommendations achieve this by setting out a direction towards specialist centres over a 10 year period, as summary sheriffs<sup>1</sup> are appointed.

1.29 Regional centres of specialism have the potential to improve the consistency and quality of service in an area, and thereby increase public confidence. The model also offers opportunity to programme and manage strands of business more efficiently.

1.30 To make sure the public have access to litigate within a specialist area we will need to balance the frequency of demand with the additional travel, while again considering alternative access routes through video or telephone conferencing.

## **Recommendations**

1.31 A summary of our recommendations are set out below.

### **Recommendation 1**

#### **High Court Circuit**

- 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 Greenock, Paisley, Dumbarton, Livingston and Dunfermline.
- 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) Changes should be phased over the period to 31 March 2015

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<sup>1</sup> As proposed by consultation on the Courts Reform (Scotland) Bill

## **Recommendation 2**

### **Sheriff Centred Model for Sheriff and Jury Business**

- 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 becomes established, these sixteen courts would become centres of shrieval specialism or sheriff centred courts 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 above changes would be progressively introduced over a period of ten years, being dependent on the deployment of sheriffs and summary sheriffs, sufficient court capacity and the development of the use of video and other communications technology in court proceedings; and are subject to any opportunity emerging to realise our longer term vision of purpose built justice centres.

## **Recommendation 3**

### **Closure of Justice of the Peace Court business where there is no Sheriff Court**

- a) The Justice of the Peace business at Cumbernauld, Annan, Irvine and Motherwell should cease and the business be transferred to a Justice of the Peace court sitting in the sheriff courthouse for the district except for

Cumbernauld where the business will transfer to the Justice of the Peace Court sitting at Coatbridge.

- b) Subject to Parliamentary approval these changes will take place in November 2013.

#### **Recommendation 4**

##### **Disestablishment of the Justice of the Peace Courts**

- a) The Justice of the Peace courts at Portree, Stornoway and Wick should be disestablished with all summary criminal business heard in the local sheriff Court.
- b) Subject to Parliamentary approval these changes will take place in November 2013.

#### **Recommendation 5**

##### **Closure of Sheriff and Justice of the Peace Courts with Low Volume Business**

- a) The 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 neighbouring sheriff court districts and be heard at the sheriff courthouse in Tain, Jedburgh, Dumfries, Selkirk and Greenock respectively.
- c) Subject to Parliamentary approval the changes to Dornoch, Kirkcudbright and Rothesay will take place in November 2013, with the changes to Duns and Peebles taking place in January 2015.

## **Recommendation 6**

### **Closure of Sheriff and Justice of the Peace Courts in proximity to another**

- a) The Sheriff Courts and Justice of the Peace courts should cease to be held in 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 neighbouring sheriff court districts and be heard at the sheriff courthouse in, Dundee, Inverness, Forfar, Edinburgh and Aberdeen respectively.
- c) Subject to Parliamentary approval the changes to Arbroath, Cupar and Stonehaven will take place in May 2014, with the changes to Haddington and Dingwall taking place in January 2015.

## THE HIGH COURT CIRCUIT

2.1 Questions 1-3 in our consultation document set out the proposal for change to the court structure supporting the High Court Circuit as follows –

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) the 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.

### The consultation response

2.2 The balance of opinion among the 105 respondents was opposed to the proposals, with 51% disagreeing and 34% agreeing. Many respondents made specific reference to their local area or court and highlighted the negative impact the proposals would have in relation to local justice, stressing the importance of justice being seen to be done within the community or the importance of ‘being tried by your peers’.

2.3 Another key issue for respondents was the prospect of additional travel, with associated time and cost implications. The inadequacy of public transport links, problems of onward connections and the risks to different parties of having to share public transport as well as the environmental impact of additional travel also featured

in responses. Respondents also mentioned the impact of inclement weather on travel arrangements and the need for overnight accommodation also featured in responses.

2.4 Those expressing support for the proposals pointed to improvements in the efficient administration of the High Court business, the fact that the central locations offered better facilities the fact that the changes would directly affect very few people.

### **The SCS response**

2.5 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 the same physical local connection between the crime being tried and the High Court venue in which the trial takes place. Advances in modern technology have changed and improved the way we communicate in a major way and real time news reporting and streaming allows information about court proceedings, heard away from the crime locality, to be readily available and thus maintains the local connection. The need therefore to have the High Court deliver justice locally is arguably less relevant in modern times when the rule of law can be firmly established throughout the country through other means. 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.

2.6 We understand that a move to dedicated centres for the High Court will, in some instances, result in additional travel distance, time and cost to court users. However, our recommendations for the High Court would affect only a small number of the population of Scotland and, for most people, attendance at a High Court would be a once in a life time experience. In recent years, around 80% of the trials have been dealt with at the central locations. Of the remaining cases heard at circuit courts only around half could be classed as local cases.

2.7 We remain of the view that dealing with business through fewer locations sitting uninterrupted on a daily basis, and for significant continuous periods, offers

greater opportunity to manage business more efficiently. In such an arrangement, there are greater opportunities to re-schedule cases to take up capacity that is made available through the premature 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 at its allotted time, and proceeding at that time. In addition Trials in the High Court are frequently lengthy, and require a level of security not necessary in any other proceedings and hearing these cases in the dedicated buildings in Edinburgh, Glasgow and Aberdeen, provide the necessary security and supporting facilities for such business. The intention is that in future, cases for trial in the High Court centres will increasingly reflect their geographical origin. All of this should benefit court users by avoiding unnecessary attendance and reduce waiting for victims, witnesses and jurors. As such we believe that this will provide better and swifter access to justice.

### **Recommendation 1**

2.8 Having considered the responses to our consultation document we recommend 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 Greenock, Paisley, Dumbarton, Livingston and Dunfermline
- 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) changes should be phased over the period to 31 March 2015

## **SHERIFF CENTRED MODEL FOR SHERIFF AND JURY BUSINESS**

3.1 Questions 4-9 of our consultation document set out our proposal for changes to the supporting structure for sheriff and jury business and the exclusive civil, administrative and miscellaneous jurisdiction of the sheriff as follows –

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.

### **The consultation response**

3.2 159 respondents offered comment on consolidation of sheriff and jury business while 140 commented on the proposal to develop centres of specialism for shrieval business. The balance of opinion was opposed to the proposals.

3.3 Much of the comment from respondents opposed to these proposals mirrored those in relation to our proposal for the High Court. The key themes emerging in this section were clustered around the principles of local access to justice; the positive effects of local justice on community cohesion; the visibility of local justice delivered and locally reported and local recruitment of jurors. In addition there were some concerns about distance, travel time and cost involved for those attending court and the related public transport issues; the impact on legal firms and the availability of (specialist) legal services; transfer of costs to other agencies and concern about the capacity in receiving courts.

### **The SCS response**

3.4 We accept that moving to a more centralised approach for the delivery of sheriff and jury business may increase the travel distance and cost for some of those attending court. However, we need to set this in context. For most people, attendance at one of the centralised jury courts would be a rare occurrence. The venues chosen to host sheriff and jury business reflect the concentrations of population in Scotland and places where the majority of sheriff and jury business already takes place. In 2011/12 the sixteen courts that would host all sheriff centred business handled 86% of all sheriff and jury trials programmed.

3.5 This service delivery model also recognises that these centres are the most likely places to which those from more rural areas already travel to access other specialist services or for other amenities, such as banks, supermarkets or specialist medical services and often by their own transport. Our recommendations are therefore designed to keep to a minimum any increase in travel distance, travel time and costs, by providing a network of sheriff and jury courts that takes account of all these factors. As with our recommendation for the High Court, this model retains the possibility of a jury trial being held in a courthouse other than one of the 16 designated for routine jury sittings in those few cases where the Sheriff Principal considers that to be in the interests of justice.

3.6 The majority of victims, witnesses, jurors, litigants and general court users would be unaffected by our recommendations to consolidate sheriff and jury business and the exclusive civil, administrative and miscellaneous jurisdiction of the sheriff in sixteen centres.

3.7 It should also be noted that migration to this sheriff centred model would be:

- incrementally introduced over a period of 10 years;
- dependent on deployment of sheriffs and summary sheriffs;
- contingent on their being sufficient court room capacity at the receiving court;
- contingent on the development of increased use of video and other communications technology in court proceedings.

3.8 Concerns over court capacity featured in some responses and this was a key element in identifying specific recommendations relative to the reallocation of business. There would be no sense or benefit for us to simply overload courts to a level that was unmanageable as this would have a detrimental effect on service levels to our customers and build in further delay in processing cases through our court system.

3.9 Our analysis shows there would be sufficient residual capacity in the receiving courts to deal with additional work, even without the improvements in efficiency we hope to make in the coming years as a result of “Making Justice Work” reforms. As outlined above only 204 cases that proceed to trial would be displaced as a consequence of our recommendations spread across the court room capacity of sixteen courts. We remain confident that the business can be accommodated in these courts during the next ten years without impacting adversely on the throughput of business or standard of service provided to court users. We have taken account of the potential increases in business which may accrue from the wider reforms.

3.10 A number of respondents considered that the 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 full 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.

## **Recommendation 2**

3.11 Having considered the responses to our consultation document we recommend 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 becomes established, these sixteen courts should become centres of shrieval specialism or sheriff centred courts 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 should continue to hear all business within the jurisdiction of the sheriff;
- d) the above changes should be progressively introduced over a period of ten years, being dependent on the deployment of sheriffs and summary sheriffs, sufficient court capacity and the development of the use of video and other communications technology in court proceedings: and are subject to any opportunity emerging to realise our longer term vision of purpose built justice centres.

## **CLOSURE OF SHERIFF AND JUSTICE OF THE PEACE COURTS**

4.1 Questions 10-21 of our consultation document relate to closure of sheriff and justice of the peace courts and the transfer the business to the neighbouring sheriff court or disestablishment of justice of the peace courts. In the following sections we deal specifically with the remaining four proposals namely:

- Closure of justice of the peace courts where there is no sheriff courthouse
- Disestablishment of the Justice of the Peace Courts at Portree, Stornoway and Wick
- Closure of sheriff and justice of the peace courts with Low volume Business and
- Closure of sheriff and justice of the peace courts in proximity to each other

4.2 The proposals for court closure generated the biggest number of replies and strength and depth of feeling. The nature of the replies was such that similar key themes emerged in each of the local circumstances – access to justice, travel, capacity and community impact being the most prominent. We felt it was important to address these areas in the local as well as overall perspective and this means a degree of what may appear to be repetition in the following parts of the report. Before we deal with the position at court level there are important points to make about the overall themes.

4.3 Access to justice featured particularly strongly in the response in this area. We take the question of access to justice seriously. That is why we have made every effort to give this due weight in our recommendations. However, local provision has also to be balanced with efficiency and what is affordable. There is a stage where the local delivery is simply not tenable because the level of demand is so low. Equally, while the impact of the closure on the local population has to be considered, we must have regard to the number of people who will be directly affected in terms of travel time and cost. In any of the low volume courts recommended for closure, the number of court users directly affected will be small.

In all cases the business can readily be accommodated in the receiving courts. The economic and community impact has been considered and advice from Scottish Government economists is that such impact as there may be will be localised and short term. We could find no evidence to the contrary.

## **CLOSURE OF JUSTICE OF THE PEACE COURTS WHERE THERE IS NO SHERIFF COURTHOUSE**

5.1 Questions 10-12 of our consultation document set out the proposal for the five justice of the peace courts in towns where there is no sheriff courthouse was that:

- 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;
- 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.

### **The consultation response**

5.2 In total, 50 respondents (35 individuals and 15 organisations) made comments in relation to this proposal. 22 opposed to the proposal, 16 were in favour and 12 respondents either expressed mixed or unclear views or qualified their comments in some other way. Those who expressed disagreement tended not to disagree with the general proposition but rather with the specific proposal in relation to one or more courts, whereas those who agreed with the proposals or expressed unclear views made more general comments.

5.3 Those who opposed the proposals raised concerns about adequacy of public transport links and the associated increased cost of additional travel. Some concern was also expressed about the strain that the transferring business would have on an already overstretched system and the detrimental effect on local economies. However these views were balanced, to some extent, with those who supported the proposal for rationalisation of court resources and felt that the small volume of work could be undertaken more efficiently and economically in the nearby sheriff courts. Those who were in agreement also considered that our proposal would have little impact on local communities and have no impact on rural Scotland.

5.4 Again, a common issue raised by those opposed to closure of these courts related to access to local justice. Some also considered that such a move would be detrimental to lay justice in their area.

### **The SCS response**

5.5 We accept that for some people using the Justice of the Peace Courts in Cumbernauld, Annan, Irvine and Motherwell the transfer of the Justice of the Peace Court business will mean longer travel times and distances and may add to travel cost. However this is already consistent with the journeys these users already make to access services in their local sheriff court. Given the proximity of these Justice of the Peace Courts to the local sheriff court, between 2 and 16 miles, it seems to us to be reasonable to expect the few who need to make such a journey on such an infrequent basis to do so.

5.6 Our intention is to have a court estate and buildings that are fit for the requirements of a modern court system provide the right facilities to court users victims and witnesses. Given the volume of work in these courts we are of the view that it could be undertaken more effectively, efficiently and economically in the nearby sheriff courts, with better facilities.

5.7 Some respondents questioned whether there was a sufficiency of capacity at the receiving court to accommodate the business of the Justice of the peace Courts. As indicated before, we would not contemplate overloading our courts to such a level that it interfered with or compromised the statutory responsibility of the sheriff principal or had a negative impact on the efficient disposal of business.

5.8 In our consultation document, we indicated that it was our intention to consolidate the business of Cumbernauld and Coatbridge Justice of the Peace Courts in Coatbridge, and allow a period of time to pass to assess the practicality of transferring the combined business into the sheriff courthouse at Airdrie and we are taking such an approach. We remain of the view that, in time, the business of these two Justice of the Peace Courts will be accommodated within the Sheriff Courthouse at Airdrie.

5.9 We also acknowledged that the business of both Motherwell and Hamilton Justice of the Peace Courts could not currently be accommodated within Hamilton Sheriff Court. We suggested that we should firstly transfer the business of Hamilton Justice of the Peace Court into the sheriff courthouse and allow that arrangement to settle before transferring in the business of Motherwell Justice of the Peace Court. We no longer consider that to be a satisfactory arrangement as it is inconsistent with our objective to locate all our justice of the peace courts within the relevant sheriff court. We consider that the most efficient delivery model would be to create a single justice of the peace court to service the Sheriff Court District covered by Hamilton by bringing together the business of Motherwell and Hamilton Justice of the Peace Courts. We therefore recommend that Motherwell Justice of the Peace Court location should be disestablished with the business transferring to Hamilton. The business of the single Hamilton Justice of the Peace Court should operate from the two Hamilton sites to allow sufficient operational experience of handling that combined business and until such time as the business could be consolidated to allow operation from a single site.

5.10 Some respondents also considered that closure of these courts would be detrimental to lay justice in their area. Since the transfer to the new justice of the peace court structure we have pursued a policy of progressively moving the Justice of the Peace court into the sheriff courthouse. We have taken this approach to improve services to court users and to gain the benefit of reduced cost and the operational efficiencies through having both courts located in a single courthouse. Our recommendations for the Justice of the Peace Courts at Coatbridge, Cumbernauld, Annan, Irvine and Motherwell are entirely consistent with that approach and will ensure that victims, witnesses and other court users will in the future enjoy better access to facilities than that which is currently provided in these locations. Lay justice will continue to be delivered from these courts.

### **Recommendation 3**

5.11 Having considered the responses to our consultation document we recommend that:

- a) the Justice of the Peace Courts at 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 except for Cumbernauld where the business should transfer to the justice of the peace court sitting at Coatbridge
- b) subject to Parliamentary approval these changes should take place in November 2013.

## **DISESTABLISHMENT OF THE JUSTICE PEACE COURTS AT PORTREE, STORNOWAY AND WICK**

6.1 Questions 13-15 of our consultation document set out the proposal for the Justice of the Peace Courts at Portree, Stornoway and Wick was that these courts should be disestablished and that all summary criminal business be heard in the local sheriff court.

### **The consultation response**

6.2 In total, 45 respondents (32 individuals and 13 groups/organisations) made comments in relation to the recommendation to disestablish the Justice of the Peace Courts at Portree, Stornoway and Wick.

6.3 The proposal attracted the highest level of support amongst all respondents with around half of those who commented in favour of it, saying that it seemed sensible given the small volume of work in these Justice of the Peace Courts. Only 20% of respondents were directly opposed with those in disagreement making general comments expressing concerns about the loss of local justice, and noting their opposition to the centralisation of court services.

6.4 There was a specific a view that the volume of work at Wick Justice of the Peace Court has been increasing and that extra court days would be needed to accommodate the justice of the peace court business in the sheriff court.

### **The SCS response**

6.5 We remain of the view that the level of workload in each of these courts is insufficient to justify the cost of maintaining a separately operated justice of the peace court in these areas.

6.6 The main concern raised by those opposing this proposal related to the potential loss of local access to justice and a move to centralisation of court services. Local justice will continue to be provided following the disestablishment of these courts as all summary criminal business will continue to be heard by the local sheriff

in Portree, Stornoway and Wick respectively. This arrangement works effectively in Kirkwall and Lerwick where district courts, and subsequently justice of the peace courts, were never established.

6.7 On the question of capacity at Wick, examination of the figures for people prosecuted in the Wick Justice of the Peace Court during the past three financial years shows numbers as relatively flat with the annual prosecution figures in the years 2009-12 being 113, 150 and 159 respectively. On average 30 cases are called for trial each year with only 10 proceeding to the stage where evidence is led. The estimated figure<sup>2</sup> for 2012/13 is that 110 cases will be registered resulting in 30 trials being assigned with 7 proceeding to the stage of evidence.

6.8 The business trend in Wick Sheriff Court during the past three financial years has also remained relatively flat with the annual prosecution figures in the years 2009-12 being 313, 392 and 430 respectively. The estimated figure for 2012/13 is that some 320 cases will be prosecuted in the Sheriff Court. We are confident that there is a sufficiency of capacity within the sheriff court programme to accommodate this business,

#### **Recommendation 4**

6.9 Having considered the responses to our consultation document we recommend that:

- a) the Justice of the Peace Courts at Portree, Stornoway and Wick should be disestablished and all summary criminal business heard in the local sheriff court.
- b) subject to Parliamentary approval these changes will take place in November 2013

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<sup>2</sup> Estimate calculated by annualising business registered to January 2013

## **SHERIFF AND JUSTICE OF THE PEACE COURTS WITH LOW VOLUME BUSINESS**

7.1 Questions 16-18 of our consultation document set out the proposal for the five courts with low volume was that:

- 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;
- 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;
- the changes be achieved during the year 2013/14.

### **The consultation response – general**

7.2 This proposal attracted the largest number of responses overall with 416 respondents offering a view and 94% opposing the closure of these courts. The majority of respondents (346) made a comment in relation to a single location, with comments often referring to both the sheriff court and the justice of the peace court in that location. 12 respondents agreed with the proposal.

7.3 The main themes covered by those opposing related to a need to ensure and protect the right to access to local justice, a concern that increased travel would trigger additional cost to court users and impact adversely on the environment, a view that the already overstretched receiving courts had insufficient capacity to absorb the business and this would cause further delay and the negative impact on the local economy and communities. Although there was commonality on the reasons for disagreement with this proposal, local issues as to geography, demographic and socio-economic factors; and history, culture and tradition tended to vary from location to location.

## **The SCS response – overall summary**

7.4 We do acknowledge the strength and depth of feeling on the range of issues raised and the proposals for court closures prompted the strongest response. As we have said, local provision needs to be balanced with a range of other factors including efficiency, affordability and fit for purpose facilities. In each case, the courts are not in use for periods of between two and four days per week. The court facilities are sub-standard, with limited provision for access and limited, in some cases no, accommodation for persons in custody. The numbers of people directly affected will be low. In all cases, the courts to which the business will transfer provide better facilities.

## **The consultation response and SCS response - individual courts**

### **Dornoch – the consultation response**

7.5 The main concern regarding closure of Dornoch related to the suitability of transferring this business to Tain. Tain was thought to be an inappropriate location because of the condition of the premises and because of issues of capacity - mainly relating to trial delays. In the event that either court was closed, respondents expressed a preference for retaining a court in Dornoch.

### **Dornoch – the SCS Response**

7.6 We explained in our consultation document that transferring the business from courts with low volume business to a neighbouring court would significantly improve the quality of the facilities available to the vast majority of court users. We accepted that this would not wholly be the case at Tain Sheriff Court where, specifically, as in Dornoch, the courtroom on the first floor cannot be accessed by a wheelchair user. Our capital programme has investment set aside to deal with this.

7.7 Tain Sheriff Court is by some margin the busier of the two courts for criminal, civil and miscellaneous business. It therefore makes sense to locate all of the business in Tain as this will minimise the impact of increased travel and cost for the majority of court users.

7.8 Court capacity itself will not be an issue. The volume of business being conducted in the Sheriff and Justice of the Peace Courts can adequately be accommodated within a single site. It can provide 250 court days each year and actual sheriff court sitting days for both courts during in 2011/12 was 163 days. That provides a clear 87 days per year to accommodate the business of the Justice of the Peace Court; this is in excess of capacity requirement for that court.

7.9 While there were not substantial concerns on travel we have shown below an illustration on the potential impact on court users.

<b>DORNOCH</b>	<b>2011/12</b>	<b>WEEKLY AVERAGE</b>
<b>Sheriff Court</b>		
Indictments Registered	1	0.0
Sheriff & Jury Trials Called	0	0.0
Sheriff & Jury Trials Evidence Led	0	0.0
Summary Criminal Cases Registered	89	1.7
Summary Trials Called	25	0.5
Summary Trials Evidence Led	6	0.1
Ordinary Civil Cases Registered	45	0.9
<b>Justice of the Peace Court</b>		
Summary Criminal Cases Registered	0	0.0
Summary Trials Called	0	0.0
Summary Trials Evidence Led	0	0.0

7.10 The sample data of civilian witnesses cited to Dornoch during 2011/12, at Appendix A, shows that the majority of witnesses would have had a shorter journey to Tain and for the balance of witnesses the additional distance would have been less than 10 miles.

## Duns and Peebles – the consultation response

7.11 Comments on these two courts were often brigaded together as part of a more general response about the overall impact on the Borders - 52 respondents associated their comments to Duns and 55 to Peebles. Respondents considered that that the Borders was being hit particularly hard by these proposals which targeted half of its courts for closure.

7.12 Some respondents described the Borders as having a low wage economy, with high levels of benefit recipients, low income households and vulnerable groups. It was suggested that the demographic profile of the region meant that a large number of court users would be adversely affected by these closures, and be deprived of an ability to access justice. The absence of a rail network, poor public transport and low car ownership made travel difficult in the Borders more generally.

## Duns and Peebles – the SCS response

7.13 We accept that the closure of Duns and Peebles will result in additional travel distance, time and cost to some court users and this is borne out with our analysis of witnesses affected at Appendix A. This has to be viewed in the context of the types and volumes of business and numbers of people likely to be affected. A broad indication of the numbers of people who may be affected by the recommendations is set out below:

<b>DUNS</b>	<b>2011/12</b>	<b>WEEKLY AVERAGE</b>
<b>Sheriff Court</b>		
Indictments Registered	1	0.0
Sheriff & Jury Trials Called	0	0.0
Sheriff & Jury Trials Evidence Led	0	0.0
Summary Criminal Cases Registered	131	2.5
Summary Trials Called	82	1.6
Summary Trials Evidence Led	14	0.3
Ordinary Civil Cases Registered	89	1.7
<b>Justice of the Peace Court</b>		
Summary Criminal Cases Registered	438	8.4
Summary Trials Called	36	0.7
Summary Trials Evidence Led	11	0.2

<b>PEEBLES</b>	<b>2011/12</b>	<b>WEEKLY AVERAGE</b>
<b>Sheriff Court</b>		
<b>Indictments Registered</b>	<b>0</b>	<b>0.0</b>
<b>Sheriff &amp; Jury Trials Called</b>	<b>0</b>	<b>0.0</b>
<b>Sheriff &amp; Jury Trials Evidence Led</b>	<b>0</b>	<b>0.0</b>
<b>Summary Criminal Cases Registered</b>	<b>117</b>	<b>2.3</b>
<b>Summary Trials Called</b>	<b>38</b>	<b>0.7</b>
<b>Summary Trials Evidence Led</b>	<b>7</b>	<b>0.1</b>
<b>Ordinary Civil Cases Registered</b>	<b>61</b>	<b>1.2</b>
<b>Justice of the Peace Court</b>		
<b>Summary Criminal Cases Registered</b>	<b>99</b>	<b>1.9</b>
<b>Summary Trials Called</b>	<b>8</b>	<b>0.2</b>
<b>Summary Trials Evidence Led</b>	<b>2</b>	<b>0.0</b>

7.14 Our recommendations for Peebles and Duns would therefore affect only a small number of the local population and, for most people, attendance at court would be a rare experience. We note that the responses cited absence of a rail network, poor public transport and low car ownership as making travel more difficult in the Borders than elsewhere. However, the journey from Duns to Jedburgh can be completed in the same day with the travel time each way being in the region of 1 hour 30 minutes by public transport.

7.15 While we remain of the view that Peebles should close we agree with respondents who felt that it would be preferable for the business of Peebles to transfer to Selkirk. We see real merit in retaining the business within a Borders court. The journey time from Peebles to Selkirk is 1 hour and 10 minutes by public transport and 35 minutes by car. In line with our vision we will be pursuing the feasibility of a Borders Justice Centre and believe there is sense in keeping the existing Peebles business in the Borders.

## **Kirkcudbright – the consultation response**

7.16 The arguments put forward for retaining Kirkcudbright Sheriff and Justice of the Peace Courts by 16 respondents concentrated on two main themes: the fact that Kirkcudbright's business volumes were close to the stated criterion<sup>3</sup> for considering closure and the issues associated with the rurality of this part of Scotland.

7.17 Respondents observed that Kirkcudbright is the only sheriff court in the 80 miles between Dumfries and Stranraer and suggested that closure would leave a large rural area without direct access to justice requiring court users to travel substantial distances, with implications for time and cost. Respondents also questioned whether there was sufficient capacity at Dumfries to accommodate the conjoined business. There was acceptance that the building housing Kirkcudbright Sheriff Court was sub-optimal and respondents considered that there was scope to use underutilised local authority accommodation for hearing civil cases.

## **Kirkcudbright – the SCS response**

7.18 One of the arguments put forward by respondents for retaining Kirkcudbright was the closeness of Kirkcudbright's business volumes to the criteria that triggered consideration for closure based on low business volumes. In 2011/12 the number of criminal and ordinary civil cases registered in Kirkcudbright Sheriff Court was 112 and 127 respectively. Both figures fell below the annual caseload test.

7.19 Business in Kirkcudbright Sheriff Court has reduced further since publication of our consultation document with the figures for 2012/13 estimated at 84 criminal complaints and 110 civil cases. This is consistent with the view on future business trends expressed in our consultation document. As such, Kirkcudbright falls well within the parameters set for sheriff courts with low volume business.

7.20 We accept that the closure of Kirkcudbright will result in additional travel distance, time and cost to some court users in travelling to Dumfries. However the sample data of civilian witnesses cited to Kirkcudbright during 2011/12 at Appendix A

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<sup>3</sup> A Sheriff 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.

shows that the majority of witnesses would have had a shorter journey to Dumfries. For others the journey time of between 45 minutes and one hour means that all journeys are possible within daily commute and as such consistent with the Judicial Principles on Access to Justice. The number of people who may be affected is shown below:

<b>KIRKCUDBRIGHT</b>	<b>2011/12</b>	<b>WEEKLY AVERAGE</b>
<b>Sheriff Court</b>		
<b>Indictments Registered</b>	<b>6</b>	<b>0.1</b>
<b>Sheriff &amp; Jury Trials Called</b>	<b>7</b>	<b>0.1</b>
<b>Sheriff &amp; Jury Trials Evidence Led</b>	<b>6</b>	<b>0.1</b>
<b>Summary Criminal Cases Registered</b>	<b>112</b>	<b>2.2</b>
<b>Summary Trials Called</b>	<b>88</b>	<b>1.7</b>
<b>Summary Trials Evidence Led</b>	<b>22</b>	<b>0.4</b>
<b>Ordinary Civil Cases Registered</b>	<b>127</b>	<b>2.4</b>
<b>Justice of the Peace Court</b>		
<b>Summary Criminal Cases Registered</b>	<b>431</b>	<b>8.3</b>
<b>Summary Trials Called</b>	<b>42</b>	<b>0.8</b>
<b>Summary Trials Evidence Led</b>	<b>10</b>	<b>0.2</b>

7.21 Respondents also questioned whether there was sufficient capacity at Dumfries to accommodate the Kirkcudbright business. Dumfries Sheriff Court currently has 4 courtrooms available to accommodate court business providing total capacity for 1,000 court sitting days per annum. In 2011/12 the number of sheriff court sitting days for Dumfries and Kirkcudbright was 479 and 108 respectively – a total of 587. That leaves 413 days free to accommodate the business from Dumfries, Kirkcudbright and Annan Justice of the Peace Court which is significantly more than required to accommodate this business, currently in the order of 112 days. As such there is no difficulty in accommodating all the business within the Sheriff Courthouse at Dumfries.

## **Rothesay – the consultation response**

7.22 A total of 301 responses relating to Rothesay (including 271 campaign letters) were received and these tended to major on the efficiencies that derive from the current arrangement whereby the court shared premises with Argyll and Bute Council, the limited anticipated financial savings, and the likelihood that such savings would not be achieved. Rothesay's situation as an island community, dependent on a ferry, was another theme with travel and other issues associated with rural and island communities featuring strongly in responses. Impact on local access to justice also featured with rejection of the statement in the consultation paper that the effects of closure would be 'localised, minimal and short term'.

## **Rothesay – the SCS response**

7.23 A broad indication of the numbers of people living on Bute who may be affected by our recommendations is shown below:

<b>ROTHESAY</b>	<b>2011/12</b>	<b>WEEKLY AVERAGE</b>
<b>Sheriff Court</b>		
<b>Indictments Registered</b>	<b>2</b>	<b>0.0</b>
<b>Sheriff &amp; Jury Trials Called</b>	<b>0</b>	<b>0.0</b>
<b>Sheriff &amp; Jury Trials Evidence Led</b>	<b>0</b>	<b>0.0</b>
<b>Summary Criminal Cases Registered</b>	<b>156</b>	<b>3.0</b>
<b>Summary Trials Called</b>	<b>102</b>	<b>2.0</b>
<b>Summary Trials Evidence Led</b>	<b>11</b>	<b>0.2</b>
<b>Ordinary Civil Cases Registered</b>	<b>23</b>	<b>0.4</b>

7.24 Respondents considered that the current accommodation sharing arrangements with Argyll and Bute Council was an efficient delivery model and that greater efficiency could be achieved by reducing the sitting frequency of the court. We accept that the annual running cost for Rothesay is relatively modest but we do not consider that the accommodation used on Bute fully meets the standards and expectations of a modern court service. Reducing the sitting frequency of the court - currently only once per week - may reduce the travel and set up cost associated with commissioning the court in the Council's marriage room but it does not address the issue relative to suitability of accommodation. Any reduction in court days may also

impact on speed of throughput of important types of business, meaning cases of importance or urgency may have to call in Greenock anyway.

7.25 Our recommendations for Rothesay would affect only a small number of the local population; for most people, attendance at court would be a rare experience. Whilst recognising Rothesay's situation as an island community, dependent on a ferry and noting the frequency of ferry cancellations, many residents already undertake the journey from Rothesay to Greenock on a more frequent basis than that required to attend court. The journey can be made in the same day with a travel time in the region of 1hour 15 minutes by public transport.

### **Recommendation 5**

7.26 Having considered the responses to our consultation document we recommend that:

- a) the 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, Selkirk and Greenock respectively;
- c) subject to Parliamentary approval the changes the changes to Dornoch, Kirkcudbright and Rothesay will be achieved in November 2013, with the changes to Peebles and Duns being achieved in January 2015.

## SHERIFF COURTS IN PROXIMITY TO ANOTHER

8.1 Questions 19-21 of our consultation document set out 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, was that:

- 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;
- 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;
- the changes should be phased over the two years 2013/14 and 2014/15, or as the necessary capacity becomes available.

8.2 This proposal attracted a large number of comments, with 320 respondents offering a view. The balance of opinion was negative, with the 95% of both individual and organisational respondents disagreeing. Most respondents (264) restricted their comments to a single location. Only 6 respondents supported this proposal. A summary of responses for each court is set out below.

### **Alloa**

8.3 We do not intend to pursue the Alloa proposal. In the period since publication of our consultation document we have explored a number of options at both Falkirk and Stirling to determine whether additional courtroom accommodation could be provided within the footprint of the current buildings.

8.4 We remain of the view that, given the proximity of Alloa to Stirling and Falkirk, our proposal to close Alloa and move the solemn business to Falkirk and the

summary and civil business to Stirling is consistent with our vision for a modern court service and aligned to the Judicial Principles on Access to Justice. However, until such time as additional capacity can be provided in Stirling or Falkirk, either by a reduction in business or creation of additional courtroom space, we do not propose the closure of Alloa at this time.

8.5 We will therefore monitor the situation at these courts and assess whether consolidation of the business as proposed can be accommodated at some future time.

### **Arbroath – the consultation response**

8.6 Of the twenty respondents who commented on this proposal, the majority favoured maintaining the status quo with the main emerging theme being comparison of the relative merits of retaining Forfar Sheriff Court over Arbroath. The capacity of Forfar to absorb the extra work also featured in responses along with comparison of transport links and a suggestion that those to Arbroath were superior. Respondents accepted that the court building at Arbroath was not ideal, the lack of parking was problematic, and the potential for development was limited.

8.7 The standard of the service offered by Arbroath Sheriff Court was viewed positively and was contrasted with the situation in Forfar, where delays were thought to be more common.

## Arbroath – the SCS response

8.8 A broad indication of the number of people directly affected is set out below.

<b>ARBROATH</b>	<b>2011/12</b>	<b>WEEKLY AVERAGE</b>
<b>Sheriff Court</b>		
Indictments Registered	36	0.7
Sheriff & Jury Trials Called	19	0.4
Sheriff & Jury Trials Evidence Led	11	0.2
Summary Criminal Cases Registered	919	17.7
Summary Trials Called	463	8.9
Summary Trials Evidence Led	92	1.8
Ordinary Civil Cases Registered	341	6.6
<b>Justice of the Peace Court</b>		
Summary Criminal Cases Registered	586	11.3
Summary Trials Called	144	2.8
Summary Trials Evidence Led	30	0.6

8.9 We accept that the closure of Arbroath will result in additional travel distance, time and cost to some court users in travelling to Forfar. However, the sample data of civilian witnesses cited to Arbroath during 2011/12, at Appendix A, shows that for around 38% of witnesses the additional journey to Forfar would be less than 10 miles, with 12% of witnesses having a shorter distance to travel than that which they currently undertake. The net increase in journey time by public transport means that all journeys are possible within daily commute and as such consistent with the Judicial Principles on Access to Justice. People resident in Arbroath commute more frequently to the larger population centres to access other services, including specialist medical services, and as for most people a visit to their sheriff court is a relatively rare event, we consider the journey from Arbroath to Forfar to be a reasonable undertaking.

8.10 Respondents also questioned whether there was sufficient capacity at Forfar to accommodate the Arbroath business. Forfar Sheriff Court currently has 2 courtrooms capable of providing 500 court sitting days per annum. In 2011/12 the number of sheriff court sitting days at Arbroath and Forfar was 318 and 245

respectively – a total of 563. The corresponding figures for the Justice of the Peace Courts at Arbroath and Forfar are 50 and 28 respectively. Consolidation of all court business in a single location offers greater opportunity to manage business more efficiently and we are confident that with such efficiencies the conjoined business of Arbroath and Forfar could be accommodated within the current footprint of the courthouse at Forfar.

8.11 The standard of the service offered by Arbroath Sheriff Court was viewed more positively by respondents and was contrasted with the situation in Forfar, where delays were thought to be more common. The average period between first calling of a summary criminal case and trial in Arbroath and Forfar as at March 2013 are similar (10 and 9 weeks respectively). The corresponding period for civil business, between allowing and calling a case for proof is 12 weeks in Arbroath and 8 weeks in Forfar. The service offered in both courts is broadly similar.

#### **Cupar – the consultation response**

8.12 The proposal for Cupar attracted 60 responses with the main theme being the importance of retaining accessible local justice. As well as individual responses, there was also a petition against closure. The advantages of the current local arrangements were highlighted and comments focused on the negative impact on the local economy, community and court users of any court closure. Responses generally argued for retention of the current arrangements.

8.13 Respondents also expressed concern about the capacity of Dundee to take on the work from Cupar and questioned whether there was sufficient capacity at Dunfermline to accommodate any additional Sheriff and Jury business. The lack of detailed data on this issue was also subject to criticism. The poor road networks and limited public transport options in northeast and East Neuk of Fife also featured as a key theme.

8.14 A number of respondents suggested that retaining the court with a summary sheriff, and subsuming the business of the justice of the peace court, would be preferable to complete closure of Cupar.

## Cupar – the SCS response

8.15 A broad indication of the numbers of people affected is set out below:

CUPAR	2011/12	WEEKLY AVERAGE
<b>Sheriff Court</b>		
Indictments Registered	31	0.6
Sheriff & Jury Trials Called	10	0.2
Sheriff & Jury Trials Evidence Led	6	0.1
Summary Criminal Cases Registered	408	7.8
Summary Trials Called	189	3.6
Summary Trials Evidence Led	53	1.0
Ordinary Civil Cases Registered	288	5.5
<b>Justice of the Peace Court</b>		
Summary Criminal Cases Registered	284	5.5
Summary Trials Called	33	0.6
Summary Trials Evidence Led	10	0.2

8.16 We accept that the closure of Cupar will result in additional travel distance, time and cost to some court users in travelling to Dundee. However, the sample data of civilian witnesses cited to Cupar during 2011/12, at Appendix A, shows that for around 34% of witnesses the additional journey to Dundee would be less than 10 miles, with 21% of witnesses having a shorter distance to travel than that which they currently undertake. The journey time of between 30 and 80 minutes by public transport means that all journeys are possible within daily commute and as such consistent with the Judicial Principles on Access to Justice. We recognise that for some travel may be more difficult because of limited public transport options. For most people a visit to their sheriff court is a relatively rare event and as people commute more frequently to the larger population centres to access other services, including specialist medical services we consider such a journey, given the frequency, to be a reasonable undertaking.

8.17 Respondents also questioned whether there was sufficient capacity at Dundee to accommodate the Cupar business. Dundee Sheriff Court currently has 8 courtrooms available to accommodate court business providing total capacity for 2,000 court sitting days per annum. During 2011/12 the number of sheriff court sitting days for Dundee and Cupar was 1,175 and 257 respectively – a total of 1,432.

The corresponding figures for the Justice of the Peace Courts at Dundee and Cupar was 253 and 24 respectively. There is ample court room capacity to accommodate the total business. Recommendation 1 will make changes to the current sitting arrangements of the High Court that will remove the requirement for the High Court to sit at Dundee. This will provide further capacity and flexibility in the court programme. As such there is no difficulty in accommodating all the business within the Sheriff Courthouse at Dundee.

### **Dingwall – the consultation response**

8.18 The proposal for Dingwall prompted 23 responses with the main concern being around capacity in Inverness to absorb that business and the differential quality of service in relation to ease and speed of access to justice which was judged to be higher in Dingwall as compared to Inverness.

8.19 It was further suggested that summary criminal trials were currently being fixed six months in advance in Inverness with a churn rate of 50% and cases often adjourned due to a lack of adequate court time. This position was contrasted with that in Dingwall where churn rates were very low and cases were being dealt with quickly and efficiently.

8.20 It was suggested that Dingwall could deal with criminal work from Tain, and/or commercial business from Inverness. Modern technology should be used to link the buildings and the focus should be on looking for greater efficiencies. It was suggested that Dingwall could be retained as an annexe to Inverness, dealing with Sheriff and Jury Business and or becoming a domestic abuse court for its own jurisdiction and Inverness.

## Dingwall – the SCS response

8.21 A broad indication of the numbers of people living in sheriff court district of Dingwall who may be affected by our is set out below

DINGWALL	2011/12	WEEKLY AVERAGE
<b>Sheriff Court</b>		
Indictments Registered	12	0.2
Sheriff & Jury Trials Called	2	0.0
Sheriff & Jury Trials Evidence Led	1	0.0
Summary Criminal Cases Registered	240	4.6
Summary Trials Called	70	1.3
Summary Trials Evidence Led	20	0.4
Ordinary Civil Cases Registered	143	2.8
<b>Justice of the Peace Court</b>		
Summary Criminal Cases Registered	289	5.6
Summary Trials Called	32	0.6
Summary Trials Evidence Led	12	0.2

8.22 Although travel was not a significant issue for respondents the sample data of civilian witnesses cited to Dingwall during 2011/12, at Appendix A, shows that for around 36% of witnesses the additional journey to Inverness would be less than 10 miles, with 12% of witnesses having a shorter distance to travel than that which they currently undertake.

8.23 Respondents also questioned whether there was sufficient capacity at Inverness to accommodate the Dingwall business. Inverness Sheriff Court currently has 3 courtrooms available to accommodate court business providing total capacity for 750 court sitting days per annum. In 2011/12 the number of sheriff court sitting days for Inverness and Dingwall was 501 and 156 respectively – a total of 657. The corresponding figures for the Justice of the Peace Courts at Inverness and Dingwall were 124 and 25 respectively. While this may imply a strain on overall capacity, the level of business at Dingwall is such that it can be accommodated with only a marginal revision of the Inverness Court programme. Recommendation 1 will make changes to the current sitting arrangements of the High Court that will remove the

requirement for the High Court to sit at Inverness. This will provide further capacity and flexibility in the court programme. As such there is no difficulty in accommodating all the business within the Sheriff Courthouse at Inverness.

8.24 It was further suggested that summary criminal trials were currently being fixed six months in advance in Inverness with a churn rate of 50% and cases often adjourned due to a lack of adequate court time. This position was contrasted with that in Dingwall where churn rates were very low and cases were being dealt with quickly and efficiently. The average period between first calling of a summary criminal case and trial for Inverness (16 weeks as at March 2013) is close to the optimum period as it allows sufficient time for the Crown and solicitor for the accused to prepare properly for trial. During 2011/12 some 5.7% of trials were adjourned in Dingwall due to lack of court time with the corresponding figure in Inverness being 5.4%. In the same period the percentage of cases adjourned at trial were 20% and 32 % for Dingwall and Inverness respectively. The waiting period for civil business, between allowing and calling a case for proof is 9 weeks in Dingwall and 6 weeks Inverness. The service offered in both courts is relatively consistent and we are confident that court users at Dingwall will continue to be offered the same consistent level of service if our recommendation is implemented.

#### **Haddington – the consultation response**

8.25 A total of 156 respondents commented on the proposal for Haddington with a strong focus in three areas: the deterioration in the quality of service which would result from a transfer of business from Haddington to Edinburgh; the social and economic impacts on the town; and the credibility of the analysis that underpinned the proposal. There were also petitions and “post card” and “coupon” campaigns.

8.26 Haddington was described as a busy court which offered excellent services to the local community and was described as conforming in many ways to the ‘Livingston’ model as set out in the consultation paper. This was contrasted with the position in Edinburgh where respondents opined that the quality of service would be significantly reduced. It was suggested that urgent family business could not be easily accommodated in Edinburgh at short notice.

8.27 Increases in travel times and costs for court users were also mentioned and it was suggested that this could lead to non-attendance and cause further system delays. There was also criticism of the way that the costs and benefits of the proposal had been analysed and presented.

8.28 Haddington's local economy was described as relying significantly on its status as the county's legal and administrative capital. The closure of the court was seen as representing the loss of another local service, with knock-on effects for the availability of legal services locally and it would impact on the history and culture of the town and its surrounding area. It was suggested that Haddington could expand its jurisdictional boundary to include business from Duns and/or Peebles or continue with a summary sheriff in place.

### **Haddington – the SCS response**

8.29 A broad indication of the numbers of people living in the sheriff court district of Haddington who may be affected by our recommendations is set out below:

<b>HADDINGTON</b>	<b>2011/12</b>	<b>WEEKLY AVERAGE</b>
<b>Sheriff Court</b>		
Indictments Registered	32	0.6
Sheriff & Jury Trials Called	9	0.2
Sheriff & Jury Trials Evidence Led	3	0.1
Summary Criminal Cases Registered	769	14.8
Summary Trials Called	216	4.2
Summary Trials Evidence Led	55	1.1
Ordinary Civil Cases Registered	436	8.4
<b>Justice of the Peace Court</b>		
Summary Criminal Cases Registered	712	13.7
Summary Trials Called	86	1.7
Summary Trials Evidence Led	15	0.3

8.30 We explained that not all of the accused prosecuted in Haddington will necessarily reside within the sheriff court district. The same holds true for witnesses cited to attend court. Increases in travel times and costs for court users was also

mentioned and it was suggested that this could lead to non-attendance and cause further system delays. The fact is that witnesses attending Haddington already travel from a range of places other than Haddington itself and the same pattern would exist on transfer of business to Edinburgh. For many, travel to Edinburgh will be easier and more economical. The sample data of civilian witnesses cited to Haddington during 2011/12, at Appendix A, shows that for around 40% of witnesses the additional journey to Edinburgh would be less than 10 miles, with 38% of witnesses having a shorter distance to travel than that which they currently undertake. We therefore do not accept the argument that transferring the business of Haddington to Edinburgh lead to non-attendance or cause further system delays.

8.31 Respondents also questioned whether there was sufficient capacity at Edinburgh to accommodate the Haddington business. Edinburgh Sheriff Court currently has 15 courtrooms available to accommodate court business providing total capacity for 3,750 court sitting days per annum. In 2011/12 the number of sheriff court sitting days for Edinburgh and Haddington was 2,848 and 312 respectively – a total of 3,160. The corresponding figures for the Justice of the Peace Courts at Edinburgh and Haddington were 302 and 62 respectively. Recommendation 1 will make changes to the current sitting arrangements of the High Court that will remove the requirement for the High Court to sit at Edinburgh Sheriff Court. This will provide further capacity and flexibility in the court programme. As such, all the business can be accommodated within the Sheriff Courthouse at Edinburgh.

8.32 Haddington was described as a busy court which offered excellent services to the local community and this was contrasted with the position in Edinburgh where respondents opined that the quality of service would be significantly reduced. The average period between first calling of a summary criminal case and trial in Haddington is 15 weeks and in Edinburgh 17 weeks. The corresponding period for civil business, between allowing and calling a case for proof is 12 weeks in Haddington and 6 weeks in Edinburgh. The service offered in both courts is relatively consistent and we are confident that court users at Haddington will continue to be offered the same consistent level of service if our recommendation is implemented.

## Stonehaven – the consultation response

8.33 The main issue mentioned by the 46 Stonehaven respondents related to the inability of Aberdeen to absorb the business of Stonehaven. The quality of service in Stonehaven was considered to be efficient with minimal delays and timeous disposal of summary business. This was contrasted with Aberdeen which was thought to be working at full capacity with endemic delays and insufficient capacity to adhere to statutory timescales.

8.34 Travel distances were considered to be substantial and respondents considered that the consultation document was silent on issues relating to the travel requirements of those living south of Stonehaven.

8.35 It was suggested that Stonehaven is currently under-utilised and could be used to handle any overspill from Aberdeen or as an annexe to Aberdeen Sheriff Court for lengthy proofs. The option of using Stonehaven as a dedicated family business court was also put forward.

## Stonehaven – the SCS response

8.36 A broad indication of the numbers of people living in the sheriff court district of Stonehaven who may be affected by our recommendations is set out below:

<b>STONEHAVEN</b>	<b>2011/12</b>	<b>WEEKLY AVERAGE</b>
<b>Sheriff Court</b>		
Indictments Registered	16	0.3
Sheriff & Jury Trials Called	8	0.2
Sheriff & Jury Trials Evidence Led	4	0.1
Summary Criminal Cases Registered	214	4.1
Summary Trials Called	124	2.4
Summary Trials Evidence Led	29	0.6
Ordinary Civil Cases Registered	231	4.4
<b>Justice of the Peace Court</b>		
Summary Criminal Cases Registered	707	13.6
Summary Trials Called	76	1.5
Summary Trials Evidence Led	13	0.3

8.37 We accept that the closure of Stonehaven will result in additional travel distance, time and cost to some court users in travelling to Aberdeen. However, the sample data of civilian witnesses cited to Stonehaven during 2011/12, at Appendix A, shows that for around 25% of witnesses the additional journey to Aberdeen would be less than 10 miles, with 44% of witnesses having a shorter distance to travel than that which they currently undertake. The net difference in journey times is such that all journeys remain possible within daily commute and as such consistent with the Judicial Principles on Access to Justice. We recognise that for some travel may be more difficult because of limited public transport options. For most people a visit to their sheriff court is a relatively rare event and as people commute more frequently to the larger population centres, such as Aberdeen, to access other services, including specialist medical services we consider such a journey, given the frequency, to be a reasonable undertaking.

8.38 Respondents also questioned whether there was sufficient capacity at Aberdeen to accommodate the Stonehaven business. Aberdeen Sheriff Court currently has 9 courtrooms available to accommodate court business providing total capacity for 2,250 court sitting days per annum. In 2011/12 sheriff court sitting days for Aberdeen and Stonehaven were 1,693 and 199 respectively – a total of 1,892. The corresponding figures for the Justice of the Peace Courts at Aberdeen and Stonehaven were 253 and 40 respectively. The total court sitting days used (2,185) is close to overall capacity, however, the level of business at Stonehaven is such that it can be accommodated with only a marginal revision of the Aberdeen Court programme. As such there is no difficulty in accommodating all the business within the Sheriff Courthouse at Aberdeen.

8.39 The quality of service in Stonehaven was considered to be efficient with minimal delays and timeous disposal of summary business and was contrasted with Aberdeen which was thought to be working at full capacity with endemic delays and insufficient capacity to adhere to statutory timescales. As indicated in the preceding paragraph, we are satisfied that there is sufficient courtroom capacity and supporting facilities at Aberdeen to comfortably accommodate the Stonehaven business.

8.40 As at March 2013 the period between first calling of a summary criminal case and trial in Stonehaven is 10 weeks as against Aberdeen's 20 weeks. The corresponding period for civil business, (between allowing and calling a case for proof) is 10 weeks in Stonehaven and 14 weeks in Aberdeen. The low volumes of business that would come from Stonehaven, which equate to only 1 summary criminal case, 1 ordinary action and 2 summary causes each day will not impact adversely on these arrangements. We do acknowledge the need to reduce the delays between first calling of the summary criminal case and trial in Aberdeen and we are addressing that.

### **Recommendation 6**

- a) The sheriff courts and justice of the peace courts should cease to be held in 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, Dundee, Inverness, Forfar, Edinburgh and Aberdeen respectively;
- c) Subject to Parliamentary approval the changes to Arbroath, Cupar and Stonehaven will take place in May 2014, with the changes to Haddington and Dingwall taking place in January 2015.

## SHERIFF COURT BOUNDARIES AND OTHER COMMENTS

9.1 The final three questions in the consultation paper did not seek views on any particular proposal, but were more general questions designed to garner views on the need, if any, to review the boundary of any sheriff court district, provide an opportunity to provide general comments on the proposals not covered elsewhere and capture comments, views and ideas on the general provision of court services in Scotland.

9.2 The questions were as follows:

**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.

**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.

### The Consultation Response

#### Question 22

9.3 Eighty-eight (88) respondents commented on the need for redrawing the boundaries of sheriff court district. Comments on this question could be grouped into one of four categories as follows:-

- No boundary changes were needed

- The absence of longer co-terminosity with local authority or electoral ward boundaries was noted. Boundaries should be reviewed as the current situation complicated the relationship between courts, elected representatives, and electoral administrator.
- This was the largest group of responses to this question. Respondents here proposed some change to a sheriff court district boundary, usually one which would result in an increase of business for their own local court, which had been identified for closure.
- Responses here touched on miscellaneous comments covering a wide range of issues. There was a concern that the question in the consultation document about boundary changes was predicated upon the acceptance or desirability of the proposed closures.

### **The SCS response**

9.4 The Sheriff Court District boundaries have traditionally been set to achieve compatibility with local authority boundaries where possible. It is also important that there is alignment between the court structures in SCS and those of the Police and Crown. We have given careful thought to the responses as they apply to overall alignment and those of a more localised nature.

9.5 In reaching our position on shaping our services we have sought to achieve the best possible level of cohesion with and between local authorities and the operational positions of the Crown and Police although we acknowledge that this has not been possible in every case. We also see merit in a number of the more local proposals.

9.6 We do not, at this stage, intend recommending changes to the sheriff court district boundaries. As indicated earlier in our view is that in a number of key strategic geographical areas, an ideal delivery model would be for justice centres and our view is that such a development would represent the right time for a wider and cohesive adjustment of the boundaries.

### **Questions 23 and 24**

9.7 The final two questions in the consultation questionnaire asked for respondents' comments in relation to any other aspect of the consultation; and in relation to any other aspects of court services in Scotland.

9.8 Comments were received from 130 respondents to one or both of these questions. Respondents tended to use both these questions to make further comments about the proposals. It was common for people to reiterate or summarise points they had made earlier regarding specific courts. We have taken these fully into account in developing our recommendations.

## FINANCIAL IMPACT

10.1 In the consultation paper we set out the current financial context within which we must operate. 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. A key driver of these proposals 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.

10.2 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.

10.3 The savings from these proposals 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 will deliver recurring revenue savings of £0.5 million from running costs and depreciation, and one-off backlog maintenance savings worth around £2 million. 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.

10.4 Drawing on this previous experience, the wider reforms to our court structures 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;

10.5 In addition to direct cash savings, the proposals 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.

10.6 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.

10.7 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.

10.8 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 an 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 are not the main element of the financial justification for these proposals, but will offer resources for reinvestment into the remaining estate.

## **Cost**

10.9 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;

10.10 Taken together we estimate that the court structures proposals, once implemented in full, will deliver recurring annual cash running cost savings of £1.3 million a year. The cash equivalent value of capacity and time releasing efficiencies is estimated at £0.5 million per annum. The proposals will also deliver one-off savings on estimated backlog maintenance costs for the courts identified for closure of £3.3 million. The total value of possible capital receipts, subject to final sale values, is estimated at around £3.0 million overall.

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

<b>Recurring Savings, Efficiencies and Costs</b>		<b>£</b>
Annual Building Running Cost Savings		900,000
Depreciation Savings		298,000
Annual Operational Savings		100,000
Travel and Subsistence Savings		100,000
<b>Total Recurring Cash Savings</b>		<b>1,398,000</b>
Less Rental Income Foregone		-79,000
<b>Net Recurring Cash Savings</b>		<b>1,319,000</b>
Staff Capacity Releasing Efficiencies		190,000
Part Time Sheriffs Capacity Releasing Efficiencies		300,000
<b>Total Cash Equivalent of Time Releasing Savings</b>		<b>490,000</b>

<b>One Off and Short Term Savings and Costs</b>		<b>£</b>
Estimated One Off Backlog Maintenance Saving		3,284,000
Estimated One Off Capital Receipts on Disposal		2,955,000
Estimated One Off Restructuring Costs		700,000
Estimated Costs of Constructing Additional Court Capacity		900,000
Short Term Annual Retention Cost Pre-Disposal		155,000

## **Implementation Timescale**

10.12 The timescale over which the full value of the savings and efficiencies are released reflects when business is transferred from closing courts to receiving courts and when individual buildings are disposed of, which removes the on-going retention cost for security and maintenance. The closure of buildings and transfer of business is being 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.

**Financial Analysis of the court running cost savings and costs associated with the proposals for court closure:**

<b>Court</b>	<b>Annual Running Cost Saving</b>	<b>Annual Depreciation</b>	<b>Annual Running Cost Saving incl. depreciation</b>	<b>Estimated Backlog Maintenance Saving</b>	<b>Estimated Capital Receipt on Disposal</b>	<b>Restructuring Costs</b>	<b>Additional Court Capacity Costs</b>	<b>Annual Retention Costs Pre-disposal</b>
	<i>Recurring</i>	<i>Recurring</i>	<i>Recurring</i>	<i>One-Off</i>	<i>One-Off</i>	<i>One-Off</i>	<i>One-Off</i>	<i>Short Term</i>
Aberdeen JP	65,000	8,000	73,000	164,000			(450,000)	(4,000)
Annan JP	8,000	0	8,000	0				0
Arbroath	70,000	55,000	125,000	177,000				(15,000)
Coatbridge JP	86,000	0	86,000	0				0
Cumbernauld JP	81,000	20,000	101,000	252,000			(450,000)	(29,000)
Cupar	57,000	35,000	92,000	470,000				(4,000)
Dingwall	63,000	29,000	92,000	326,000				(12,000)
Dornoch	45,000	24,000	69,000	186,000				(9,000)
Duns	21,000	15,000	36,000	152,000				(4,000)
Haddington	47,000	34,000	81,000	471,000				(7,000)
Hamilton JP	53,000	13,000	66,000	166,000				(21,000)
Irvine JP	61,000	0	61,000	0				0
Kirkcaldy JP	22,000	4,000	26,000	118,000				(9,000)
Kirkcudbright	48,000	33,000	81,000	420,000				(14,000)
Motherwell JP	100,000	0	100,000	0				0
Peebles	17,000	0	17,000	0				0
Rothesay	6,000	0	6,000	0				0
Stonehaven	50,000	28,000	78,000	383,000				(14,000)
								(13,000)
<b>TOTAL</b>	<b>900,000</b>	<b>298,000</b>	<b>1,198,000</b>	<b>3,284,000</b>	<b>2,955,000</b>	<b>(700,000)</b>	<b>(900,000)</b>	<b>(155,000)</b>

10.13 Individual capital receipts for each building are not shown ahead of marketing and sale, but the total shown is based on independent analysis of the likely value achievable on each sale.

The restructuring costs of £700,000 is a provisional sum based on estimates of the work required at each of the receiving courts

The additional court capacity costs are provisional sums to cover the investment in adding an additional courtroom at two receiving courts: Aberdeen Sheriff Court and Airdrie Sheriff Court.

## **SUMMARY AND NEXT STEPS**

11.1 In the body of this report we have set out our final recommendations for a future court structure for Scotland and under each of the original proposals report of when these may be implemented. We indicated that our proposals for a Sheriff Centred Model for Sheriff and Jury business would be progressively introduced over a period of ten years. We consider that for our final recommendations for court closures should also be managed on an incremental basis. We consider that this can best be managed in three tranches with the first closures occurring in November 2013, with a view to completing this by January 2015.

11.2 Any recommendations made within this report relative to closure of sheriff courts or closure or disestablishment of justice of the peace courts are matters that fall within the responsibility of Scottish Ministers. Where we recommend court closures, it will be for Scottish Ministers to consider and to take any necessary statutory orders to the Scottish Parliament. The final decision on whether a court should close rests with the Scottish Parliament. We will therefore submit our recommendations for consideration by Scottish Ministers. It will then be for Scottish Ministers to reach a view on what orders they intend laying. The making of the orders by Scottish Ministers requires the consent of both the Lord President and the Scottish Court Service. Before consenting to the making of any such orders we, the Scottish Court Service, will require to consult such persons as we consider appropriate.

11.3 Recommendations made within this report relative to the future sitting of the High Court and Sheriff and Jury Courts will be a matter for the Lord President and each Sheriff Principal and they alone will consider and determine where and when these courts should take place. This will be achieved by administrative direction by the Lord President and each Sheriff Principal.

**WITNESSES AFFECTED BY RECOMMENDATIONS**

Source : Data Sample of Civilian Witness Citations from Crown Office and Procurator Fiscal Service in Criminal Cases during 2011/12

<b>ARBROATH</b>	<b>% of Witnesses affected</b>
Witnesses with a shorter journey	<b>12.8%</b>
Witnesses with a journey increase less than 10 miles	<b>38.0%</b>
Witnesses with a journey increase more than 10 miles	<b>49.2%</b>

Location where journey increase more than 10 miles

<b>Witnesses From</b>	<b>Mileage Difference</b>	<b>% of Witnesses affected</b>
ARBROATH	15.5	48.6%
AUCHMITHIE	15	0.3%
ARBIRLOT	12.9	0.2%
SAINT VIGEANS	12.9	0.2%

<b>CUPAR</b>	<b>% of Witnesses affected</b>
Witnesses with a shorter journey	<b>21.3%</b>
Witnesses with a journey increase less than 10 miles	<b>33.9%</b>
Witnesses with a journey increase more than 10 miles	<b>44.8%</b>

Location where journey increase more than 10 miles

<b>Witnesses From</b>	<b>Mileage Difference</b>	<b>% of Witnesses affected</b>
EDINBURGH	18.1	0.4%
POLMONT	18	0.2%
DUNFERMLINE	17.8	1.1%
ALLOA	16.2	1.3%
GLASGOW	13.4	0.9%
CUPAR	13.1	28.7%
LEVEN	12.8	5.6%
BRENTWOOD	11.5	0.2%
NOTTINGHAM	11.5	0.2%
STAFFORD	11.5	0.2%
STOURPORT ON SEVERN	11.5	0.2%
COWDENBEATH	11.1	0.2%
GLENROTHES	11.1	3.4%
KIRKCALDY	11.1	1.3%
LOCHGELLY	11.1	0.7%

<b>DINGWALL</b>	<b>% of Witnesses affected</b>
Witnesses with a shorter journey	<b>11.7%</b>
Witnesses with a journey increase less than 10 miles	<b>36.4%</b>
Witnesses with a journey increase more than 10 miles	<b>51.9%</b>

Location where journey increase more than 10 miles

<b>Witnesses From</b>	<b>Mileage Difference</b>	<b>% of Witnesses affected</b>
UPPER STEELEND, FIFE	15.6	1.3%
DINGWALL	14.7	18.2%
STRATHPEFFER	14.5	3.9%
ANNAT	11.2	1.3%
GARVE	11.2	1.3%
POLGLASS	11.2	1.3%
TORRIDON	11.2	1.3%
APPLECROSS	11.1	2.6%
LOHCARRON	11.1	1.3%
MARYBURGH	11.1	3.9%
REIFF, AUCHILTIBUIE	11.1	1.3%
ULLAPOOL	11.1	1.3%
ALNESS	10.9	1.3%
BLAMACARA	10.2	3.9%
KYLE OF LOCHALSH	10.2	5.2%
KYLEAKIN	10.2	2.6%

<b>DORNOCH</b>	<b>% of Witnesses affected</b>
Witnesses with a shorter journey	<b>60.7%</b>
Witnesses with a journey increase less than 10 miles	<b>39.3%</b>
Witnesses with a journey increase more than 10 miles	<b>0.0%</b>

<b>DUNS</b>	<b>% of Witnesses affected</b>
Witnesses with a shorter journey	<b>12.8%</b>
Witnesses with a journey increase less than 10 miles	<b>6.1%</b>
Witnesses with a journey increase more than 10 miles	<b>81.0%</b>

Location where journey increase more than 10 miles

<b>Witnesses From</b>	<b>Mileage Difference</b>	<b>% of Witnesses affected</b>
DUNBAR	31.9	0.6%
DUNS	31.9	45.3%
EYEMOUTH	26.4	32.4%
BERWICK UPON TWEED	18.4	2.8%

<b>HADDINGTON</b>	<b>% of Witnesses affected</b>
Witnesses with a shorter journey	<b>37.8%</b>
Witnesses with a journey increase less than 10 miles	<b>39.9%</b>
Witnesses with a journey increase more than 10 miles	<b>22.3%</b>

Location where journey increase more than 10 miles

<b>Witnesses From</b>	<b>Mileage Difference</b>	<b>% of Witnesses affected</b>
HADDINGTON	19.1	8.0%
DUNBAR	18.4	4.3%
EAST LINTON	18.4	2.1%
GULLANE	13.6	0.5%
NORTH BERWICK	13.6	7.4%

<b>KIRKCUDBRIGHT</b>	<b>% of Witnesses affected</b>
Witnesses with a shorter journey	<b>57.5%</b>
Witnesses with a journey increase less than 10 miles	<b>22.6%</b>
Witnesses with a journey increase more than 10 miles	<b>19.9%</b>

Location where journey increase more than 10 miles

<b>Witnesses From</b>	<b>Mileage Difference</b>	<b>% of Witnesses affected</b>
DALMELLINGTON	37.4	0.9%
KIRKCUDBRIGHT	27.2	4.5%
NEWTON STEWART	24.2	1.4%
CREETOWN	23.5	0.5%
GATEHOUSE OF FLEET	23.5	0.5%
GLENLUCE	23.5	0.5%
KIRKCOWAN	23.5	1.4%
SANDHEAD	23.5	0.5%
STRANRAER	23.4	8.1%
TWYNHOLM	23.2	0.5%
TONGLAND	22.9	0.5%
RINGFORD	18.9	0.5%
BRIDGE OF DEE	12.9	0.5%

<b>PEEBLES</b>	<b>% of Witnesses affected</b>
Witnesses with a shorter journey	<b>5.3%</b>
Witnesses with a journey increase less than 10 miles	<b>23.7%</b>
Witnesses with a journey increase more than 10 miles	<b>71.1%</b>

Location where journey increase more than 10 miles

<b>Witnesses From</b>	<b>Mileage Difference</b>	<b>% of Witnesses affected</b>
GLASGOW	26.3	1.3%
MID CALDER	26.3	2.6%
KIRKCALDY	26.2	1.3%
PERTH	26.2	2.6%
EDINBURGH	23.6	7.9%
PEEBLES	21.2	48.7%
ROMANNOBRIDGE	21.2	1.3%
WEST LINTON	21.1	1.3%
PENICUIK	20.5	1.3%
LOANHEAD	16.2	2.6%

<b>ROTHESAY</b>	<b>% of Witnesses affected</b>
Witnesses with a shorter journey	<b>6.20%</b>
Witnesses with a journey increase less than 10 miles	<b>0.00%</b>
Witnesses with a journey increase more than 10 miles	<b>93.80%</b>

Location where journey increase more than 10 miles

<b>Witnesses From</b>	<b>Mileage Difference</b>	<b>% of Witnesses affected</b>
ISLE OF BUTE	15.6	92.9%
INVERARY	12.3	0.9%

<b>STONEHAVEN</b>	<b>% of Witnesses affected</b>
Witnesses with a shorter journey	<b>44.1%</b>
Witnesses with a journey increase less than 10 miles	<b>24.9%</b>
Witnesses with a journey increase more than 10 miles	<b>31.0%</b>

Location where journey increase more than 10 miles

<b>Witnesses From</b>	<b>Mileage Difference</b>	<b>% of Witnesses affected</b>
ARBROATH	15.6	1.4%
MONTROSE	15.6	3.5%
WISHAW	15.4	0.5%
STONEHAVEN	15.2	9.9%
FALKIRK CSA	14.9	1.4%
HARTLEPOOL	14.9	0.2%
ALTON	14.8	0.2%
EDINBURGH	14.8	1.2%
HULL	14.8	0.2%
MANCHESTER	14.8	0.2%
BIRMINGHAM	14.7	0.2%
BLYTHE	14.7	0.2%
BRECHIN	14.7	1.6%
COATBRIDGE	14.7	0.7%
DUNDEE	14.7	0.2%
GLASGOW	14.7	0.9%
GLENROTHES	14.7	0.2%
LAURENCEKIRK	14.7	5.9%
LIVINGSTON	14.7	0.2%
PAISLEY	14.7	0.2%
PERTH	14.7	1.4%
SOUTH SHEILS	13.6	0.2%

