Summary of Evidence

1. The Council supports the proposals to improve access to justice for party litigants and recognises that the Bill provides an opportunity to modernise and increase efficiency within the legal system.

2. The Council does not agree that the proposals will have no cost implications on local authorities.

3. The Council agrees with the principle of personal injury specialisation but does not support the location of a single national personal injury court in Edinburgh.

Specialist Personal Injury Court

4. The rationale for the introduction of a national personal injury court based in Edinburgh is not clear. Given the industrial heritage of areas such as Lanarkshire, the Council is keen to establish whether there is statistical evidence which would support the location of the personal injury court. While the Council recognises the level of specialist legal knowledge within the Edinburgh area, it is of the opinion that access to justice would be better delivered by conferring all-Scotland jurisdiction for personal injury cases to other Sheriffdoms from the outset. This would enable large public defender organisations, such as the Council, to plan resources effectively and with some certainty. The rationale for introducing flexibility within the system to respond quickly to changing circumstances requires to be balanced with the need for large public defender organisations to be able to resource plan for the medium to long term.

Impact on Sheriff Court Business

5. The Council has concerns regarding the impact of the transfer of personal injury cases from the Court of Session to the sheriff courts. Recent experience suggests that, in general, local sheriff courts are not inclined to assign consecutive dates for evidence in personal injury cases to be heard. This results in some cases being heard sporadically over a period of months or, in some cases, years. There is concern that the shift in business from the Court of Session to the sheriff courts may compound the situation and further delay the resolution of cases.

Costs on local authorities

6. Whilst it is acknowledged that the Council may make some savings as a result of fewer personal injury cases being heard in the Court of Session, it remains to be seen whether any savings made would be offset by additional resources incurred by defending personal injury cases in the national court in Edinburgh. It is conceivable
that the Council would require to employ additional staff to deal with the business shift from the Court of Session to the sheriff courts or give consideration to outsourcing particularly complex cases at a greater expense to the public purse. Reform of the courts will undoubtedly bring significant changes to all court users, however, long term certainty is required to avoid unnecessary and additional expense being incurred by local authorities.