Justice Committee

Courts Reform (Scotland) Bill

Written submission from Professor George L Gretton, University of Edinburgh

I would like to comment on section 39 (exclusive competence of the sheriff court). This (1) sets the exclusive competence figure at £150,000 and (2) provides that the figure may be changed from time to time by the Scottish Ministers.

£150,000 is a very large increase on the current figure. Perhaps it is the right figure. But why take make the change in one single and risky leap? Surely the better strategy would be to make a more modest increase to begin with – say £25,000 or possibly even £50,000 – and then review the results after two or three years. At that stage the figure could be further increased – or not, as indicated by experience.

Some law reforms have to be leaps. This does not.

Given that there is a power to set the figure by statutory instrument, there is in fact no need for the Bill to mention any specific figure at all. All that needs to be done is to delete the reference to £150,000.

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