Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from Ann J A McCarthy

I have in recent years had two issues to resolve which required the assistance of the Haddington Sheriff Court. Both required a number of informal visits to the Court office for advice as well as formal attendance. Without the local Court, it would have been difficult, more stressful and time consuming, as well as involving travel expenses, to achieve successful outcomes.

The first involved the Small Debt Court; The 1960s housing development where I live was originally a small co-ownership housing association, which was dissolved in the early 1980s with the members buying their own homes and a share of the generous common land. A residents committee was established to manage this land, including the gardening contract and the care of many mature trees, avoiding costly factoring charges.

When I agreed to become treasurer, I found that the owners of two properties had refused to pay the annual maintenance charge since moving in about three years previously. This was leading to considerable resentment and would have quickly led to higher charges for everyone else. It could even have led the committee to disband.

I sought advice from the Haddington Sheriff Court office about using the Small Debt Court. The staff could not have been more helpful to me as I prepared the case against the most long-standing of the non-paying owners. The Sheriff was also most considerate when I had to attend the hearing. As a result, not only did the defendants clear their arrears as per the decree, I was also able to come to a voluntary agreement with the other non-paying owners without having to go to court.

The second involved the Confirmation of an Executor. My brother-in-law died in Glasgow without leaving a will. He was the last of my late husband’s family and always gave my name when he went into hospital as his next of kin. However when I began to arrange the funeral and sort out his complicated affairs, I soon found as an ‘in-law’ I could not be appointed the executor. Only my children were regarded as blood relations. Fortunately we were able to get advice from the Haddington Sheriff Court office and did not have to deal with the Glasgow Court apart from eventually posting them all the completed paper work. The whole process took two years.

When my daughter was required to attend the Court office to complete forms and sign them, they gave her the last possible appointment time so that she did not need to take time off work. This would not have been possible if she had had to attend the Edinburgh Court office.

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20 May 2013