These general comments apply to the proposals as a whole. However our main specific concern is the impact of the proposed closure of Haddington Sheriff and Justice of the Peace Court.

It is fairly obvious that the overriding thrust of these proposals is primarily that of a cost saving exercise. So much so that this apparent drive to reduce costs will have a negative impact on many users of our judicial system and associated activities.

The proposals appear to have been formulated more to accommodate the administrators of the court system rather than those who are or may become involved with it.

It seems ironic that at the same time when the Scottish Government is seeking more power for its citizens that proposals are being promoted that have the potential to impact negatively on these same citizen's access to justice.

Hopefully, when the Justice Committee deliberate on these proposals, they will find beyond reasonable doubt that such proposals, in seeking to reduce costs, are guilty of failing to deliver proper access to justice for all.

Specific Comments (with respect to proposed closure of Haddington Sheriff & JP Court)

Question 1 – What is the local impact of the SCS’s recommendations on access to justice?

The impact this particular proposal will have on individuals and the communities of East Lothian alike cannot be overstated.

It is without question there is ample business to justify the continuation of the court in Haddington serving East Lothian. Even the proposal document accepts that fact. What is in question is the logic of proposing to transfer such business to Edinburgh and Edinburgh’s capability to absorb such business that would be consistent with the principles for the provision of access to justice, for the residents of East Lothian.

The proposed closure appears to be due to, East Lothian’s Court venue, namely Haddington, being deemed to be within some arbitrary 20 mile figure, which is assumed to be an acceptable travelling distance, from the Edinburgh Court. As already stated Haddington is only the venue and many East Lothian court users would be required to travel distances far exceeding 20 miles. Distance is not the only access criteria. Edinburgh Sheriff and JP Court is situated within a busy city centre location and as such is less accessible, than Haddington Court, to all East Lothian residents.

Whether travelling by car or public transport all East Lothian court users would find it more difficult get to the court in Edinburgh than Haddington and all those east of
Haddington would be subjected to the unacceptable additional travelling distance as well.

The proposal to move East Lothian court business to Edinburgh, and the inevitable access issues, has the potential to impact unfavourably on justice. The loss of the JP Court will also make more difficult the other Justice of the Peace services provided for East Lothian residents, such as signing duties.

This proposal will further remove the JP Court from its tradition of “people in the community being judged by people from the community” as the East Lothian cases will just become part of the remote Edinburgh JP Court list. As a result it is doubtful if all or even if many of the current East Lothian JP’s would be likely to transfer to Edinburgh. It could also impinge on future recruitment of JP’s from people living in East Lothian. Then the people of East Lothian will not only have restricted access to justice but also access to a Justice of the Peace.

**Question 2 – What will the local impact be on court users of the SCS’s recommendations?**

The closure of Haddington Sheriff and JP Court will make access to justice for East Lothian residents distant, centralised and remote.

Centralising court services, in Edinburgh, will have the effect of disconnecting the court users of East Lothian communities from local justice.

The impact will be felt by all manner of court users, such as judges, agents, witnesses and accused alike. Such impacts being manifested by way of increased costs, time and making what would be a stressful experience even more so.

SCS in their report (par. 8.30), without foundation, claim that for many East Lothian residents travelling to Edinburgh it would be easier and more economical. Due to the inaccessible location of the Edinburgh court, no one from East Lothian, irrespective of their mode of transport, will find it easier or more economical to get there. Obviously the further from the East Lothian/Edinburgh border one lives the more difficult and more costly the journey would be.

In effect the impact these proposals/recommendations would have on East Lothian court users will, with respect to access to justice, be unacceptable and should be reconsidered.

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