Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from Jacqueline Henderson

Cupar Sheriff Court

I write with regard to the above recommendation, being one of a number of court closures to be debated by your Committee this week.

I am the current Dean of the Faculty of Solicitors in North East Fife, a solicitor practising in St Andrews, a resident of Cupar and a former Depute Clerk of the District Fife Court which sat in Cupar prior to the creation of the J P Courts.

As someone who now works in private practice in what can only be described as difficult times, I am not unaware of the need for businesses and organisations, both public and private, to save money, but the proposal to close our Court seems to have far reaching consequences for very little savings. I rather suspect that it will be a case of robbing Peter to pay Paul and that funds will be saved by SCS only for others to have to "pick up the tab" as it were in the form of increased costs to the police, the public and other organisations and services.

With regard to the question of costs, can the SCS easily withdraw from the user agreement it has with Fife Council or will the Court close and running costs continue?

It is true to say that Dundee is quite close to Cupar Sheriff Court in terms of physical distance but it is distant from Cupar and North East Fife in terms of the type of business and communities that are dealt with in each of the two courts. North East Fife covers a large, mainly rural area with a population which is spread out and has only 3 towns which are on the main train line, and so access to Dundee will not be easy in terms of time or costs despite what the response papers states.

The response papers also states that the journey times to Dundee from North East Fife are achievable, but journey times on paper, and journey times by public transport which allow those attending court to arrive by 10.00am are not the same thing. From my experience in the District Court, it is not easy for those attending criminal courts in particular, and who often lead chaotic lives, to get to court by 10.00am and I fear that the move to Dundee will result in a large increase in the number of warrants being issued and police time taken up in executing these.

The response also suggests that individuals have to attend court so rarely that the added distance should not be an inconvenience but what of those who do have to visit our courts more frequently - social workers, doctors, police and dare I say solicitors? At present, the proximity of the Court in Cupar to other services minimises this inconvenience and allows other work to be done whilst waiting (local solicitors can return to their offices for example) but this will no longer be possible if these individuals have to travel and wait in Dundee. Time spent in court means less time
doing the real day job. Further, is infrequent use a good enough justification for making those attending court travel further? Many people are not travelling to court of their own volition.

I would also question how Dundee will cope with the added business, again despite what the response states. North East Fife has a population in the region of 70,000 with the present court sitting 257 days a year - how is this to be accommodated by Dundee? I wonder whether those who have prepared both the Consultation Paper and the Response have ever attended a busy court waiting for their case to call?

I think that a great deal has also been made (perhaps on purpose) of court sitting dates and travelling times and distances and, unfortunately, much of this debate has also centred around the criminal courts, but our Courts deal with a great deal more than criminal work and much of this other business is more sensitive and I fear that no-one, including the public in particular, has fully realised what will happen if our Court closes.

Little has been said of commissary business. In the current climate, many are trying to save money and to wind up the estates of their loved ones on their own. The Sheriff Clerk's office in Cupar can be readily accessed and enquiries made face to face, and this in the same building as Fife Council where a death can be registered. To make these enquiries on the phone is not the same and a valuable local service will be lost at what will be a difficult time for many. Little has been said of the fees generated by such business too - in the region of £200,000.00 last year.

The same can be said of many other matters dealt with by the courts - child welfare hearings, mental health hearings, child custody hearings and so forth.

Small Claims Actions were also introduced many years ago to allow individuals to raise their own debt and other actions and, again, these actions will be now be made more difficult and more expensive without a local Sheriff Clerk's office to assist. The closure of the court will make access to this type of justice more difficult and more expensive for the public and local businesses. Again, savings to the SCS are being made at the expense of others, including the public.

I am hopeful that your Committee will be able to see beyond the alleged savings and see the negative impact which the closure of our Court will have on the residents and businesses of North East Fife.

Jacqueline Henderson
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