Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from JA Clasper

Wick JP Court

The Scottish Court Service response to the Consultation and Recommendations for a Future Court Structure in Scotland. April 2013.

The local impact and the impact on court users in Caithness of the above recommendations, would be totally negative.

The recommendations suggest the dis-establishment of the Wick Justice of the Peace Court and that the Sheriff and Jury business currently conducted in Wick Sheriff Court be transferred to Inverness.

The implementation would remove from the people of Caithness, access to Lay Justice. The importance of “being tried by your peers” and the importance of Justice being seen to be done within and by the community will be removed for no good reason or financial saving.

The Scottish Court Services response to the dis-establishment of the Wick Justice of the Peace Court is that business can be transferred to and heard by the Sheriff Court in Wick, and so retain Local Justice.

Local Justice and Lay Justice are two separate issues, and I would argue that it is as important to the people of Caithness and to the Wick Justice of the Peace Court that “Lay Justice continues to be delivered ” in Wick as it appears ( p25) for the people of Hamilton.

The dis-establishment of the Wick Justice of the Peace court will not result in any cost savings to the Scottish Court Service as it is located within the Sheriff Court building.

The building will remain open following implementation of the recommendations with no cost savings; no staff changes – no savings; there is a resident Fiscal Depute, with an office next door to the Court room – no savings and there are four keen, enthusiastic, experienced and well trained Justices of the Peace who are willing to give of their time freely in the service of their community.

The table (p58) of the Scottish Court Services Response, showing the Financial Analysis of Court Running Cost Savings and Costs Associated with the Proposals for Court Closure :-

Wick Justice of the Peace Court does not appear on the Table of Cost Savings!!!
What are the cost savings to the Scottish Court service of the dis-establishment of the Wick Justice of the Peace Court?
The impact of the **PROPOSED** recommendations are being felt already!

At the recent Justice of the Peace Court in Wick (9 May 2013), the Court was not allowed to defer sentence for a period of six months for the accused to be of good behaviour, because if the **proposals** (were to be, implemented / ratified by Ministers !!) the Wick Justice of the Peace Court would be dis-established from November 2013.

The level of business in the Wick Justice of the Peace Court is cited as having flattened. Both the Scottish Court Service and the Crown Office Procurator Fiscal Service are aware of the spare capacity throughout the Justice of the Peace Courts as the intention is to cascade another 5% of the work currently heard in the Sheriff Court to the Justice of the Peace Courts.

Why then is Wick being pushed in the opposite direction?

There may be scope in the future for more serious cases to be prosecuted in the Justice of the Peace Courts and Wick could be used as a Pilot, easing the burden on other overstretched Courts.

The community in Caithness are unhappy with the closure of rural police stations, having been assured centralisation in the two county towns would be the way forward and would not affect business, only to be told now that the two 24/7 police stations are to be closed evenings and overnight seven days a week.

Taking Police Officers away from the County for longer periods to attend Jury Trials in Inverness will have an impact on Policing in the County.

Signing duties undertaken by Justices of the Peace, especially rural Justices are an important service provided to the local Community free gratis and usually “out of office hours”. Councillors are not permitted to sign affidavits

Wick Justice of the Peace Court is not an Island Court and should not be treated as such.

The County is experiencing difficulties persuading some couriers and firms that irrespective of our Post Code we are on mainland Scotland. Surely we do not have to extend the list to include the Scottish Government.

P22 of the Recommendation states:-

“The economic and Community impact has been considered and advice from Scottish Government Economists is that such impact as there maybe will be localised and short term”.  
Perhaps you already have the answer(s) to your Questions!

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