Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from James Henderson

Proposed closure of Stonehaven Sheriff Court and JP Court

I write to you in response to your request for submission of views on the above subject and ask you to note that I oppose this proposal in the strongest possible terms.

It is with incredulity that I read that the Justice Secretary has “following careful consideration” decided to accept the recommendations of the SCS. It is abundantly clear that the Secretary has given no such thing as careful consideration to the recommendations and has taken this stance, after only a few days from receiving the recommendations, purely on perceived but wholly indemonstrable financial savings.

It is arrant nonsense to suggest or even believe that the business of the Stonehaven Courts could be successfully transferred to Aberdeen. In fact the business of the Aberdeen Court is so far behind that adding an additional workload from Stonehaven could conceivably lead to the collapse of justice being properly and effectively delivered in Aberdeen. Furthermore, it is clear that no one has taken account of the very poor and even dangerous geography of the Aberdeen court internal arrangements whereby vulnerable witnesses and children have no sanctuary to protect them from exposure to intimidation or anti social behaviour. Indeed, one has only to check the fact that over the past 5 years, some 60 cases have been transferred from Aberdeen to Stonehaven as Aberdeen could not cope with these due to the heavy and lengthy cases being heard. Stonehaven has 2 courts and is able to provide an adequate and socially acceptable alternative to Aberdeen for smaller cases.

Had the SCS taken evidence and advice from learned and informed law practitioners who use these courts on a regular basis then this proposal would never have come to fruition as it is so blatantly flawed. Indeed, the converse is the case inasmuch that by transferring business from the Aberdeen courts to Stonehaven would significantly ease the pressure on the Aberdeen system where larger cases are heard and which can last for many weeks and even months. Furthermore, the impact on the SCS recommendations in respect of access to justice will be to reduce rather than improve that objective. The only way in which Aberdeen might accommodate the additional workload would be by the provision of additional premises the obvious cost of which would completely defeat the purpose of the recommendations.

Another factor which appears to have been overlooked is the imminent establishment of the community at Chapelton, south of Aberdeen. This community is scheduled to have a population of around 9,000. Now unless this township is to be free of crime, vandalism and family disputes, then this will place an added burden on the court service. Once again, to suggest that Aberdeen has the capacity to absorb more business is ludicrous in the extreme.
The proposals also mean that legal representatives, witnesses and indeed defendants will incur added expense in terms of time and money by having to travel to Aberdeen. Not to mention the difficulty in finding suitable transport and the lack of convenient parking facilities. It does not take much intelligence to see that this will significantly add to the cost of providing access to justice.

In summary therefore, when the draft proposals are laid in the Scottish Parliament, the Justice Committee must immediately lodge a motion to annul so that this vexatious and ill-informed piece of legislation can be rightly dismissed.

James O Henderson
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