Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from Highland Council

1. What will be the local impact of the SCS’ recommendations on access to justice?

The Highland Council believes that a number of the proposals contained within the consultation document will have a detrimental impact upon access to justice.

a) High Court of Justiciary

Inverness has been a venue of longstanding for the High Court of Justiciary. While it is recognised that the allocation of matters to the High Court is not dictated by geography alone nonetheless the loss of Inverness as a regular venue is considered to be a retrograde step. All of the remaining locations (Aberdeen, Edinburgh and Glasgow) are situated at least 2-3 hours travel from the Highlands. The proposal has the potential to cause significant inconvenience to those within the Highlands who are required to travel to attend the High Court.

b) Consolidation of Sheriff and Jury business in Inverness

The proposal is that, with the exception of Portree, all sheriff and jury business within the Highlands will be conducted in Inverness. The Council had proposed that such business should continue to be undertaken in Wick. The reason for the Council’s proposal is Wick’s situation approximately 100 miles from Inverness. Similar to the position with the High Court, travel between Caithness and Inverness would generally take two hours or more when travelling by private car. The journey time when travelling by public transport is significantly longer. The Council outlined concerns that this would represent a significant inconvenience for individuals not only professionals such as Criminal Justice staff and police officers but also witnesses. It was also noted that there would be potential for the accused and witnesses to travel both to and from Inverness on the same public transport. In the event that a witness had travelled from Caithness to Inverness to attend court and, for whatever reason, they were required to attend on the following day the witness would either need to attempt to find accommodation in Inverness at short notice or return home with a view to catching the early train or bus in the morning. The Council believes due consideration had to be given to the practical difficulties that would face a witness in such a situation, in particular during the winter months.

c) Closure of the JP courts in Wick and Portree

The Council did not believe that the closure of the JP courts that serve both Wick and Portree would have a significant impact upon access to justice.

d) Closure of Dornoch Sheriff Court

The proposal is that Dornoch Sheriff Court will close on 30 November 2013 with all
business transferring to Tain Sheriff Court. There are difficulties in physical access to the court room in Tain. The court rooms in both Dornoch and Tain are situated on the first floor and neither building is served by a lift to allow wheelchair access. The Council’s Service Point is co-located within the Sheriff Courthouse in Dornoch. The proposed closure of Dornoch will require the Council to review its Service Point provision in the area. The closure of Dornoch will leave the County of Sutherland an area of over 2,000 square miles without a court. Those travelling from within Sutherland will have to travel further to attend court. For some court users travel to Dornoch may, of itself, have taken some hours and these individuals will now have to travel a further ten miles. The Council did invite the Court Service to give consideration to redrawing the Sheriff Court boundaries, particularly in North and East Sutherland to allow any matters to be dealt with in Wick rather than Tain.

e) The proposal to close Dingwall Sheriff Court

The Council disagreed with the proposal to close Dingwall Sheriff Court and believes that such a closure will have a detrimental impact upon access to justice. The proposal is for work currently undertaken within Dingwall Sheriff Court to transfer to Inverness. Whilst the increase in distance travelled is some 15 miles it must be recognised that those travelling from communities currently served by Dingwall, such as Ullapool, will already have travelled a considerable distance and are now faced with longer journeys. Dingwall Sheriff Court has benefitted from significant expenditure in recent years in order to improve access both to the Courthouse and, in particular, the courtroom which is located on the first floor. The court is well served by public transport with the courthouse situated close to the railway station.

2. What will the local impact be on court users of SCS’ recommendations?

It is the Council’s submission that the cumulative impact of the changes outlined above will result in additional costs, both direct and indirect, being incurred by users of the courts. The proposals do not, in the Council’s submission, recognise the significant challenges of travelling from remote communities to court locations, particularly when reliance is placed made upon public transport and in the winter months. The Council has expressed concern that officers employed supporting the court processes, such as Criminal Justice workers, will be spending an increased amount of their time travelling to and from their office location to court locations – for example staff based within the Dingwall office, who have responsibility for supervising offenders within Ross-shire, will now have to travel routinely to Inverness from Dingwall and then wait for their cases to be heard.

The Council does not believe that advances in technology such as video conferencing and more practical measures such as timetabling by the Sheriff Court are sufficiently developed currently to offset these concerns.

Highland Council
21 May 2013