Addendum - Disestablishment of Wick Justice of the Peace Court

This is an addendum to verbal evidence delivered to the Justice Committee on 21 May 2013.

Unlike other JP Court closures this dis-establishment does not transfer business from one JP Court to another as the proposals allow the Sheriff to absorb the JP business with little additional cost saving as the fixed costs for Court facilities will not markedly change.

Effectively this group of highly experienced and trained Justices of the Peace at Wick will be stood down. This group of very experienced Justices, with many years of effective service have hundreds of hours of Judicial Training under their belts and are intimately connected to the local community. If the rationale is not primarily cost reduction then the concern fixes on the foundational rationale for Lay Justice. It would be the considered view of the Scottish Justice Association that the effective abolition of Lay Justice in this part of mainland Scotland is a grave error, particularly when the foundational objective is to save money.

It seems senseless to stand down an effective group of Lay Judges in order to bolster the workload of a Sheriff with an exposure in payroll terms of approximately £129,000 with an additional 25% or so further in Employer Costs - £161,000 approximately.

It is well know that the lay Judiciary bring a number of attributes that complement Shrieval colleagues:-

- A real connection to the local community;
- Mitigates against of ‘case hardening’; and
- Provides confidence within the local community that decisions are not taken within a forum that is so remote in terms of local understanding.

As indicated in our oral evidence to the Justice Committee the Scottish Justice of the Peace has been serving the people of Scotland for over 400 years and we believe unique in Europe for the single sitting capability of verdict and sentence. There is no doubt that the decriminalising of certain Summary Crimes by way of the Fiscal Fine has significantly impacted JP Court Caseloads. That said Justices are getting an increasing volume of Fiscal Fine Non Payment referral within their Means Courts. This is highly unsatisfactory as the Justice can merely ask that payment is achieved – as these matters are not criminal there is a strong argument that there is no place for them at the Summary Court with all of the attended costs of citation/notification etc. Indeed, some people brought before the Court will openly confirm that they have no intention of paying these fines. With the proposal of Summary Sheriffs and the impact of the Fiscal Fines (decriminalising some 46,000 offences on an annual basis
that could have come to the JP Court) it may be the case that the future of Lay Justice in Scotland after some 400 years of service is now in doubt. It remains to be seen that rather than the interest of justice being served in an effective manner it may be the case as a matter of financial expediency that the Crown (COPFS) and the Scottish Court Service have a marked interest in the JP caseload “withering on the vine”. Paradoxically, significant cost reduction is not the foundational rationale for the transfer of Wick JP Business to the local Sheriff at the same court location.

In summary, the Scottish Justices Association believe that there is no recent precedent for the latter day abolition (post summary reforms) of the Justice of the Peace within a geographical mainland Scotland area served by the Court outwith JP business being transferred to other JP Courts. On this basis the Scottish Justices Association would be of the considered view that the transfer of the JP Business to the Sheriff without a robust rationale leading to the abolition of Lay Justice within the Caithness Wick area is totally unacceptable.

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