Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from Margaret Smith

Dear Sir

Submission re SCS Recommendations On A Future Court Service

I enclose my views on the proposed closure of Haddington Court Services in relation to access to justice and the local impact on court users should the closure be implemented.

As clearly stated in the SCS consultation document local justice is indeed valued by local communities. It may be convenient for a paper exercise to refer to the court as being only twenty miles from Edinburgh but of course the courts in Haddington serve the wider area of East Lothian which includes many outlying rural villages and hamlets where access to public transport is difficult and restricted. They are also sited further than twenty miles from Edinburgh.

I question the rationale for further centralising of public services within the city of Edinburgh particularly at a time when the Scottish Executive is striving for increased devolved powers and ultimately independence from Westminster.

There seems little logic and little regard for the lasting damage to communities outwith the capital city.

Of course the fate of access to local justice relies on a political decision which must not be taken lightly under the pretext of ill defined limited financial savings in the short term only.

It is reassuring that The Justice Committee will focus on access to justice and the local impact on court users since the emphasis on financial cost saving would seem to be all that was considered in the very hasty approval of the SCS report.

Yours sincerely
Local Impact On Access To Justice

I consider that the value of access to local justice is an underlying principle of the Scottish Justice System. Its value should never be underestimated and should be protected. It is important that local justice is accessible to all particularly in Summary cases.

Having access to local justice within specific limits of time underpins the Scottish Criminal Justice System.

There is a real danger that closure of local courts will alienate people who will feel that justice is out of their reach and not accessible to them even in civil cases.

Haddington is a county town with local government offices housed in the same building as the court service. People have some affinity in regard to the building housing advice, information and support services where access is generally manageable on a daily basis. There is a public transport network to Haddington from most areas of the county.

The reporting of the work of the courts in local newspapers is important in allowing people to be informed of sentencing, public concerns etc while also providing a means for them to voice their opinions, experiences and concerns.

Local Impact On Court Users

Like the Scottish Court Service many individuals, families and households are suffering reduced budgets and hardship in this very difficult financial situation which shows little hope of improving for a considerable number of years. The additional costs in travelling to Chambers street in Edinburgh rather than to Haddington would be prohibitive for many resulting in non attendance. There would also be difficulty for many in arranging childcare for a much longer period of time taking account of longer distances, delays in connecting bus or train services, finding long term parking facilities plus traffic congestion particularly at peak times. Private childcare is very costly and difficult to arrange for uncertain hours experienced in attending court. SCS would be passing on considerable additional costs to many individuals who can least afford them.

Many fiscal fines already remain unpaid because people do not have the whole sum readily available within 28 days. People in receipt of benefit would particularly be affected by the additional costs of getting to court.

Equality of opportunity to have access to justice should never be allowed to diminish.

At present many of those who are represented by a solicitor in the Sheriff and Justice of the Peace courts are represented by solicitors based in offices in East Lothian. If there is no court based in the county it is likely that many solicitors would move to be based in Edinburgh. It is a very real worry that access to legal representation would be considerably reduced very soon and that legal aid funded work would not be provided in East Lothian placing many people at a disadvantage. It is a concern that there would be an increase in pleas of convenience by letter.
Should Duns and Haddington courts be closed there would be no court provision on the East Coast throughout the Borders and East Lothian which covers many rural areas in addition to towns. Should the appointment of Justices of the Peace no longer be made in these areas it will deprive residents of easy access to free public service offered re guidance in completing forms and in having them verified and signed etc.

It would be very unwise to assume that existing Justices would continue to serve and sit in court in Edinburgh! Lay Justice has always been commended because Justices live within the communities they serve. Local knowledge is relevant both in taking account of issues and behaviour concerning local communities and in having knowledge of the locus where crimes have been committed.

It seems extraordinary that with the emphasis on sentencing policy favouring Community Payback Orders that the Scottish Government intends to remove access to local justice for the very communities where these orders should be fulfilled.

There is a danger that people become alienated from the justice system because it seems remote and imposing with no local communication base.

Margaret Smith
17 May 2013