Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from Caroline MacBeath

I would wish to express my concerns at the proposed closure of Cupar Sheriff and Justice of the Peace Court. I am a trainee solicitor specialising in court work who naturally has concerns regarding future employment in a community where the 'local' court is 30 miles away. The negative impact on the job sector will be huge in this area if court solicitors require to travel to Dundee to appear on behalf of clients. At a time when the economy is struggling, jobs are already few and far between and the Scottish Government is concerned about small towns dying out the move to close the Court in Cupar is inexplicable.

However my concerns are not restricted to the impact the closure would have on me. I deal with a lot of clients who would face added expense and inconvenience travelling to Dundee to have their views represented. A lot of small businessmen who wish to raise small claims and summary cause actions will have to consider the additional time and costs which will be incurred in pursuing these. There will be additional time off work to attend court with the knock-on effect of additional costs together with additional travel and parking costs.

It is important to every small community that justice is accessible to all. A large part of that access is having a local court in a familiar town where you feel your case is being given careful consideration by a Sheriff who understands the local dynamics at play. Local people will be more reluctant to seek justice if they feel intimidated by a court that is already pressured for time. Delays in hearing cases will be inevitable given the increased volume of cases the court will be expected to hear. This is not going to improve anyone's perception of the justice system.

 Witnesses will be hesitant to travel the extra distance to court. In small claims and summary cause actions the additional expenses incurred by witnesses in attending court will be borne by the parties to the action, primarily the pursuer and consequently further consideration will have to be given to the economics of pursuing an action where money is rightly due to them.

There is a genuine concern in the community that people will be more reluctant to assert their rights if they cannot do so in their local court.

I hope that this outlines some of the potential issues faced by this small community and the impact the court closure will have on local people.

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