Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from Wm. Skelton & Co on behalf of Bute Faculty

Impact on the Faculty and the services it provides

The legal offices are based on the Island of Bute. If all Court work is moved off the island it will lead to an increase in Legal Aid costs which will need to incorporate travel costs for solicitors as well as for witnesses. This will be particularly expensive if they are unable to return to the island on the same day. The closure date means we will need to conduct an early review of whether or not island solicitors can continue to provide service to court clients and including acting as duty agents attending Rothesay Police Station.

Impact of the timing of closures

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Receiving courts

Greenock Sheriff Court is a busy Court – how are the Rothesay Court cases to be integrated? In particular, apart from where an accused is attending from custody, if there were one specific day in the week allocated for Rothesay cases this would reduce the time spent out of the office by island solicitors.

How are weather disruption and mechanical faults with the ferry which prevent the ferry from operating going to be dealt with and how are the accuseds, witnesses and solicitors going to be assisted if they are unable to return to the island on the same day?

Additional or transitional arrangements

Protection is required on the ferry for witnesses travelling over to Court to give evidence and returning back. What protection is going to be given to them? Caledonia MacBrayne Limited do not allow people to remain in their vehicles (stating that this is due to Marine Legislation) and everyone needs to be in the public area on the ferry.

Where many Police Officers require to be off the island at Greenock Sheriff Court to give evidence (and may not be able to return on the same day) what additional Police Officers are going to be provided so that the island can be safely and adequately policed during the absence of Police witnesses?
Any other matters

The closure of Rothesay Sheriff Court for savings to Scottish Court Services of £6,000 will be exceeded by the additional costs to other areas of public expenditure, namely to Scottish Legal Aid Board who will need to pay for witnesses to travel, including at times for their overnight accommodation when they cannot return home; accused will often not be able to finance the cost of the travel to Court which will lead to warrants being issued for their arrest and Police and G4S’s time arresting them and transporting them to Greenock Sheriff Court. Their witnesses are likely to require financial help from the Social Work Department. The Court costs are low because they share the building with Argyll & Bute Council.

There are often bail conditions which prohibit the accused from being in the vicinity of the Crown witness or witnesses. These conditions will be breached when they travel together on the ferry. Witnesses will be open to intimidation on the ferry where all passengers must be in a public area and may be open to retribution after giving evidence on their return. Who is to protect them and the safety of other members of the public travelling on the ferry with this potentially explosive situation?

How are the Police to investigate crime when people become reluctant to be witnesses and provide statements? What happens to the security and protection of all those on the island when this occurs? Who is going to be available to police the island when several island Police Officers are in Greenock together waiting to give evidence?

Access to justice is a cornerstone of democracy and this should not be in name only. The island community has a right to justice, which right will be damaged if cases are held in Greenock Sheriff Court. It will result in an increase in crime because witnesses will not come forward and also because there will no longer be the shame of an accused attending a local Court where matters are reported in the local newspaper.

The accommodation for Rothesay Sheriff Court at Eaglesham House appears to be adequate, particularly if the cells at nearby Rothesay Police Station are used when necessary in conjunction with the Court.

Wm Skelton & Co, on behalf of Bute Faculty
17 May 2013