Justice Committee

Scottish Court Service recommendations for a future court structure in Scotland

Written submission from Forsyth Solicitors

1. The Scottish Government’s decision to close Haddington Sheriff Court (and perhaps others) is based on inaccurate and misleading statistical information.

2. The consultation document produced by SCS omits any reference to child welfare hearings, children’s hearing referrals, adults with incapacity and commissary work. These form a significant part of Haddington Sheriff Court work which is efficiently carried out. These cases involve both vulnerable adults and children. If they have to travel to Edinburgh they will incur significant increases in travelling time and costs, that is if they turn up at all. It will also involve professionals such as social workers and council lawyers attending Edinburgh Sheriff Court which again increases time and cost. Statistics have been produced by both Alex McLaren, forensic accountant and by East Lothian Council which demonstrate the increase in costs.

3. There is reference to a £81000 pa saving of which £47000 refers to depreciation of the building. This is not a true saving and due to the age of the building it is likely that depreciation will now be reduced to zero. SCS have not disclosed the figure. The chief executive of East Lothian Council has met with SCS and intimated that ELC would be willing to bear the annual cost (excluding depreciation) but this has been refused. I would refer to the submission by ELC. SCS refer to maintenance costs of £471,000 yet despite requests to do so have refused to explain this figure.

4. SCS state it will take 28 minutes to travel from Haddington Sheriff Court to Edinburgh Sheriff Court. Absolute minimum by car is 45 mins and doesn’t take account of parking. Accept from Musselburgh may take 28 mins as specified by SCS. This does not take into account considerably longer travelling times from more rural areas eg North Berwick, Dunbar, Gifford or the length of time if using public transport which will be well in excess of one hour.

5. Any move of business to Edinburgh will result in a loss of local knowledge which is important for all cases both civil and criminal. A resident Sheriff is aware of the activities of parties across different cases. Local justice can be seen to be done. The local justices also deal with local issues and in Edinburgh will deal with matters across a large geographical area. I understand that some of the justices do not intend to continue in their role should the court close.

6. The volume of cases in Haddington brings around 500 extra people to the town weekly. They use the local facilities for coffee, lunch, newspapers, cigarettes etc. This will be a loss to the local economy which could result in closure of businesses. The local procurator fiscal’s office will close and SCS staff will relocate. Again a loss of people in the community and subsequent economic loss.
7. At present the local Citizen’s Advice Office is directly across from the court and provides an in court advisor. This saves the court time and members of the public anxiety and money. It helps to prevent homelessness due to their intervention. I would refer you to the submission by Citizens Advice Bureau.

8. If the court closure was based on sound economic facts then it may be more understandable but this is not the case. Despite evidence contradicting SCS statistics having been produced and offers of financial support being suggested these have been ignored and the decision been taken in ignorance.

9. Even if economically sound the impact on local justice is extreme particularly in relation to vulnerable groups who will find the time, travel duration and cost unduly onerous. The local accountability will also be lost as there will be no resident Sheriff with a solid background in the local area. The threat of exposure in the local press will also be lost which is always a concern raised by those appearing in the criminal courts.

10. Finally the effect in the local community will be profound. As well as loss of business to local retail outlets (loss of visitors to the court, including solicitors from outwith the local area, witnesses, victims, accused and litigants.), the local solicitors (if they continue practicing in the town) will be unable to service their clients needs properly as they will spend a lot of their time travelling to and waiting around at Edinburgh Sheriff Court. The time taken for cases there is unpredictable whereas in Haddington times are set down to ensure business is carried out on the day and within a reasonable time. There will therefore be little time left for appointments in Haddington.

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