Dear Gery

Post-legislative scrutiny of the Judiciary and Courts (Scotland) Act 2008

Earlier in the year the Public Audit and Post-legislative Scrutiny Committee sought views from the public on which Acts would benefit from post-legislative scrutiny.

From the 24 Acts suggested the Committee agreed a shortlist of those it wished to take forward in the first instance. For the others the Committee agreed to write to the Scottish Government seeking information on the issues and concerns that were raised in the submissions.

In respect of the above Act I am writing to you seeking a written response to these issues. I would be grateful if you could provide a reply by Friday 23 February 2018.

A copy of the information provided in the submission can be found in the Annexe.

A link to our post-legislative scrutiny page can be found here:

http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/105094.aspx

Yours sincerely,

Alison Wilson
Assistant Clerk
In terms of the Judiciary & Courts (Scotland) Act 2008, the creation of the office of Judicial Complaints Reviewer and powers assigned to that office have come in for criticism, and frequent calls for an increase in scope & powers.

If the act were to be examined and reviewed by PAPLS, and evidence taken from former & current JCRs, a more robust set of powers, and independence from the judiciary could be assigned to the JCR through Parliamentary scrutiny and amendments to current legislation.

Among other things, the Act itself enshrines the independence of Scotland’s judiciary, however oversight, transparency and accountability fall woefully short of public expectation of transparency in our courts. A full review of the act by PAPLS may produce much needed improvements for the public, and gains for the judiciary and justice system.