

## POLICY NOTE

### THE SHERIFF COURT DISTRICTS AMENDMENT ORDER 2013

SSI 2013/152

#### Introduction

1. The above instrument was made by Scottish Ministers in exercise of the powers conferred by sections 3(2), 3(3) and 43 of the Sheriff Courts (Scotland) Act 1971 and all other powers enabling them so to do. The instrument is subject to negative procedure.

#### Policy Objectives

2. This Order closes certain sheriff courts and transfers each one's business to another court – the receiving court. The table below lists the closing courts, the receiving courts, and the date of each closure and transfer.

Closing Court	Receiving court	When
Arbroath	Forfar	31 <sup>st</sup> May 2014
Cupar	Dundee	31 <sup>st</sup> May 2014
Dingwall	Inverness	31 <sup>st</sup> January 2015
Dornoch	Tain	30 <sup>th</sup> November 2013
Duns	Jedburgh	31 <sup>st</sup> January 2015
Haddington	Edinburgh	31 <sup>st</sup> January 2015
Kirkcudbright	Dumfries	30 <sup>th</sup> November 2013
Peebles	Selkirk	31 <sup>st</sup> January 2015
Rothsay	Greenock	30 <sup>th</sup> November 2013
Stonehaven	Aberdeen	31 <sup>st</sup> May 2014

3. The Order provides in relation to each transfer that the closing court can, prior to its closure, plan for the transfer of business to the receiving court. Further it provides that after the date of closure that all cases are transferred to the receiving court. The Order also makes consequential amendments to the Sheriff Court Districts (Alteration of Boundaries) Order 1996 (SI 1996/1005) and provides for transitional arrangements.

#### Consultation

4. The provisions of this Order take account of recommendations made to Scottish Ministers by the Scottish Court Service (“the SCS”). The SCS carried out a formal three month public consultation, “Shaping Scotland’s Court Services”<sup>1</sup>, from 21 September 2012 to

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<sup>1</sup> The Scottish Court Service’s consultation, analysis and responses are available at: <http://www.scotcourts.gov.uk/about-the-scottish-court-service/consultations>

December 2012 and provided Ministers with their conclusions and recommendations in April 2013.

5. The Scottish Ministers have decided to accept the SCS's recommendations: the Order will close courts with substandard or inadequate facilities which require public funds to be diverted to bring them up to modern standards; and, they will enable other savings to be made which will allow for improvements in the remaining court estate.

6. There are two categories by which the SCS's recommendations to close the courts were made: those with low volumes of business and those located in close proximity to other sheriff courts which have capacity to take their business.

#### ***Sheriff courts with low volumes of business***

7. There has been careful consideration of what would be the most appropriate measure of business below which it becomes disproportionate and inefficient to maintain a sheriff court. The SCS concluded that the following criteria were appropriate, being a court:

- which is scheduled to sit on average two days or fewer each week;
- has an annual caseload of fewer than 200 new criminal cases; and
- fewer than 300 new civil cases.

8. The sheriff courts at Dornoch, Duns, Kirkcudbright, Peebles, and Rothesay fall below these criteria. Of these courts, only Kirkcudbright has a permanently staffed sheriff clerk's office. Dornoch has its own staff and the court offices are open for part of each week. The other courts are wholly administered from a neighbouring court, with court staff attending only on court days (Duns from Jedburgh, Peebles from Selkirk, and Rothesay from Greenock). Each of the courthouses has some significant limitation in the facilities it can provide court users.

9. Having considered the court capacity available in neighbouring sheriff court districts, and taking into account the *Principles for Provision of Access to Justice*<sup>2</sup>, the SCS recommended that these five courts should be closed and the business of those districts is transferred to the districts of neighbouring sheriff courts as listed in the table in paragraph 2 above.

#### ***Sheriff courts in proximity to each other***

10. A number of sheriff courts are located close to another for reasons that are largely historical. Having taken account of the guiding Principles for Provision of Access to Justice and a wish to minimise excess travelling distances for court users, the SCS concluded that consideration should be given to those sheriff courts within twenty miles of another sheriff court location which has sufficient capacity to absorb the displaced business.

11. The courts identified were: Dornoch (which is covered above), Cupar, Dingwall, Arbroath, Stonehaven, and Haddington. These courts are located within 18 miles of the neighbouring court to which business would be transferred. The Scottish Ministers agreed with the SCS's recommendation that these courts should close and the business from their districts transferred to neighbouring sheriff courts which have the capacity to take all the court business – as listed in the table in paragraph 2 above.

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<sup>2</sup> These principles were set by the Lord President and the Sheriffs Principal – <http://bit.ly/ZWicXx> (Annex A)

12. The Lord President and the Scottish Court Service have given their consent to the making of this Order in terms of section 3(2A) of the Sheriff Courts (Scotland) Act 1971. In accordance with section 3(2B) of that Act, the Scottish Court Service consulted such persons as it considered appropriate before giving its consent.

**Impact Assessments**

13. An equality impact assessment has been completed on the draft SSI and is attached.

**Financial Effects**

14. A BRIA has been completed and is attached.

Scottish Government

Justice Directorate

May 2013