



REPORT TO: THE MORAY COUNCIL ON 2 JULY 2008

SUBJECT: THE COMPLETION OF SUMMARY JUSTICE UNIFICATION IN GRAMPIAN HIGHLANDS AND ISLANDS

BY: CHIEF LEGAL OFFICER

1. REASON FOR REPORT

- 1.1 This report is submitted to advise members of completion of unification of the Summary Courts within the Sheriffdom of Grampian Highlands and Islands as a result of which, with effect of 2 June 2008 Moray District Court has been disestablished, and replaced by Elgin JP Court.
- 1.2 This report is submitted to Committee in terms of Section A(40) of the Council's administrative scheme relating to the monitoring of all central support services including legal and other services.

2. RECOMMENDATION

- 2.1 It is recommended that members note completion of unification within Grampian Highland and Islands including disestablishment of Moray District Court. Although a local Court comparable to the District Court and to be known as Elgin JP Court will remain in Elgin, JP Courts to replace previous District Courts will not be established in Inverurie, Nairn or Kingussie. Business from Inverurie District Court will transfer to the new Aberdeen JP Court and business from Nairn District Court and Kingussie District Court will be heard in the new JP Court in Inverness on set days.

3. BACKGROUND

- 3.1 Following the report of Sheriff Principal John McInnes in 2004 which contained proposals for a review of the Summary Justice System in Scotland, in early 2007 the Criminal Proceedings Etc. (Reform) (Scotland) Act 2007 was passed. This made provision for the disestablishment of District Courts throughout Scotland on a rolling programme, commencing in the Sheriffdom of Lothian and Borders in March 2008 and scheduled to complete with the Sheriffdom of North Strathclyde in October 2009. Following disestablishment, Local Authorities would cease to be responsible for the administration of District Courts and instead business previously marked to District Courts would be marked to new JP Courts to be established in specified locations.

- 3.2 In addition, it was envisaged that, with effect from unification, Justices of the Peace would receive a five year commission, which would be subject to certain conditions including undertaking to be available for relevant Court business, to attend training and to participate in a system of appraisal by reference to which JPs were obliged to perform their duties with reasonable skill and care. The administration of the recruitment, selection, training and appraisal of JPs was also to be delegated to the Scottish Court service acting through various dedicated committees including the Justice of the Peace Advisory Committee(JPAC) which would continue to be responsible for recruitment, the Justices Training Committee (JTC) to be responsible for the approval of local training and the Justices Appraisal Committee (JAC) to be responsible for establishing a scheme to appraise the performance of JPs on the bench.
- 3.3 The commitment of Moray JPs continues to be recognised post unification. Three JPs from the Moray area have taken up places on the various Justices Committees for the Sherifffdom. Given the restricted membership of the various JP Committees, this is a significant achievement for local JPs.

4. **SUMMARY OF IMPLICATIONS**

4.1 Corporate Development Plan/Community Plan/Service Improvement Plan

Former District Court Staff have been in active liaison with the Scottish Court Service and Scottish Executive regarding transitional arrangements. To date, transition appears to have been achieved smoothly and with minimal disruption to service users.

4.2 Policy and Legal

The changes detailed were required by the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 and relevant delegated legislation.

4.3 Resources (Financial, Risks, Staffing and Property)

a. Financial Implications

Cost savings will amount to approximately £34,000 per annum. Lost income will be in the region of £46,000 per annum which will be partially offset by the use of the District Court for JP Court business. The net deficit of the change is £12,000, which in the long term will be offset by the additional meeting room facility that reverts to Council full use in the summer of 2009. It is understood that the Council has an opportunity to review the arrangement for letting for JP Court use so that full use of the facility could revert to the Council from April 2009.

b. Risks

Most significant risks associated with unification pertained to potential difficulties with the transfer of the District Court data to the Scottish Court Service's own software system. Although some minor adjustments are still required, in general terms the data transfer was successfully effected in the week prior to 2 June 2008.

c. Staffing

One full time member of staff was transferred to the Scottish Court Service by virtue of the Tupe Regulations and provisions in the 2007 Act. The relevant member of staff now works in the Sheriff Court building. This vacancy is currently not being filled.

d. Property

The Scottish Court Service continues to use the District Court for selected Sheriff Court/JP Court business all in accordance with agreed Terms of Use. These are to be reviewed at the end of the current financial year. Meanwhile work is due to commence shortly on renovation of the Sheriff Court House in order to form a second court room, in which it is envisaged the JP Court will sit. It is currently envisaged that the second courtroom will be complete or about the summer of 2009, at which time consideration will be given to future use of the valuable space which will thereby become available within the Headquarters building.

4.4 Consultations

The Chief Financial Officer has been consulted regarding the financial implications of this report.

John Black has been consulted regarding the property implications of this report.

Katrina McGillivray, Senior Personnel Advisor was consulted regarding the personnel implications of the Tupe transfer referred to above.

5. CONCLUSION

5.1 Members are asked to note the terms of this report.

Author of Report: Roddy Burns, Chief Legal Officer

Background Papers: Reports to full Council on 7 July 2004 and 5 July 2006.

Ref: RG/GMA

Signature: 

Designation: Chief of Police

Date: 19th June 2007

Name: Roddy Byrne