EXECUTIVE NOTE

THE CRIMINAL PROCEEDINGS ETC. (REFORM) (SCOTLAND) ACT 2007 (COMMENCEMENT NO. 7) REVOCATION ORDER 2009 (SSI 2009/238 (C.19))

1. The above Order was made on 10 June 2009 in exercise of the powers conferred by section 84(1) and (2) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 ("the 2007 Act").

2. This Order revokes The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (Commencement No.7) Order 2009 ("the principal Order").

Policy Objectives

3. Under the principal Order, certain provisions of the 2007 Act were to be brought into force for the Sheriffdom of South Strathclyde, Dumfries and Galloway to coincide with the establishment of JP courts (and the associated disestablishment of district courts) in the Sheriffdom of South Strathclyde, Dumfries and Galloway.

4. On Tuesday 5 May 2009 the Justice Committee voted in favour of a motion to annul the Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) Order 2009 (S.S.I. 2009/115) which was to make provision for the establishment and disestablishment of those courts. As a result of the Committee's decision, the Scottish Ministers decided that Order should be revoked and the Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) Revocation Order 2009 entered into force on 16 May 2009.

5. For these reasons, the Scottish Ministers have decided to revoke the principal Order.

Consultation

General – The Criminal Proceedings etc. (Reform) (Scotland) Act 2007

6. Many of the provisions of the 2007 Act are based on the recommendations of the 'McInnes Committee' and subsequent consultation during 2004. The then Scottish Executive published *Smarter Justice, Safer Communities – Summary Justice Reform Next Steps*[1], in March 2005 following extensive consultation on the recommendations of the report[2] of the Committee chaired by Sheriff Principal John McInnes.

[1] Scottish Executive, *Smarter Justice, Safer Communities: Summary Justice Reform - Next Steps*, available at: http://www.scotland.gov.uk/Publications/2005/03/20888/55016

[2] Scottish Executive, *Report of the Summary Justice Review Committee*, available at: http://www.scotland.gov.uk/Publications/2004/03/19042/34176

The Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) Order 2009 and The Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) Revocation Order 2009

7. Plans for unification of the summary courts under the Scottish Court Service (SCS) were outlined in the *Next Steps* paper. In 2009, SCS conducted a consultation exercise after publishing plans for the establishment of JP Courts, the consequent disestablishment of district courts, and arrangements for the delivery of court-related services in the Sheriffdom of South Strathclyde, Dumfries and Galloway.[3]

8. On 5 May 2009 SCS wrote to the Sheriff Principal for the Sheriffdom of South Strathclyde, Dumfries and Galloway, Dumfries and Galloway Council, East Ayrshire Council, North Lanarkshire Council, South Ayrshire Council and South Lanarkshire Council informing each of the Justice Committee's decision to recommend annulment of The Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) Order 2009.

9. On 11 May 2009, Scottish Court Service wrote again to the Sheriff Principal and the local authorities of the Sheriffdom of South Strathclyde, Dumfries and Galloway. That letter invited views on the Scottish Government's proposal to revoke The Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) Order 2009.

Financial Effects

10. This Order has no direct financial effects. The status quo of local authorities running district courts in the Sheriffdom of South Strathclyde, Dumfries and Galloway will continue.

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[3] The Scottish Court Service consultation paper *Delivering a Unified Courts Administration in the Sheriffdom of South Strathclyde, Dumfries and Galloway* and the subsequent report on that consultation are available at: http://www.scotcourts.gov.uk/court_unification/publications.asp.