POLICY NOTE

THE JUSTICE OF THE PEACE COURTS (SHERIFFDOM OF SOUTH STRATHCLYDE, DUMFRIES AND GALLOWAY) ETC. AMENDMENT ORDER 2019

SSI 2019/XXX

The above instrument is made by the Scottish Ministers in exercise of the powers conferred by section 59(6)(a) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 and all other powers enabling them to do so. In accordance with section 59 (7B) of that Act, the Scottish Ministers have had regard to a proposal of the Scottish Courts and Tribunal Service (SCTS). The Lord President and the SCTS have consented to the making of the Order in accordance with section 59(7C) of that Act. The instrument is subject to the affirmative procedure.

Purpose of the instrument

The purpose of the instrument is to grant authority for the relocation of Coatbridge JP Court to premises nearby in Airdrie.

Background

The 2007 Act created powers and procedures to establish, disestablish and relocate courts of summary criminal jurisdiction, known as justice of the peace (JP) courts. Where a JP court is to be relocated, the legislation requires that first a proposal is submitted to Scottish Ministers from the SCTS with the agreement of the Lord President. Before submitting a proposal to the Scottish Ministers, the SCTS must consult such persons as it considers appropriate. Following consideration of the proposal Scottish Ministers may make an Order only with formal consent of both the Lord President and SCTS.

Policy Objectives

Whilst the statutory obligations require a high level of consultation and consideration, in this case the proposal is fairly modest, and entails moving Coatbridge Justice of the Peace Court 1.4 miles from its current location to a building opposite Airdrie Sheriff Court. The relocation would co-locate the JP Court with the Crown Office and Procurator Fiscal Service (COPFS) in Graham Street, Airdrie and provide a modern, purpose built courtroom facility with improved and accessible facilities for court users. The current Coatbridge facility, leased from North Lanarkshire Council, requires urgent investment in priority repairs and the SCTS identifies savings in opting to invest in the new building right across the street from the existing Sheriff Court. The Order comes into force on 8 June 2019 when the relocation will take effect.

Consultation

SCTS undertook formal consultation on the proposal as required by the 2007 Act. All responses were supportive and acknowledged the proposed relocation is “positively

welcomed and should lead to an improvement in the services provided", will have a "positive effect on the administration of justice" and will result in "improved Court facilities for JPs, Court officials and the general public". No further impact assessment is therefore considered necessary.

Technical engagement on the drafting of the Order has been had with the Lord President's Private Office and SCTS. Formal consent for the Order to be made has been received from both the Lord President and SCTS.

Financial effects

The Order will not have any significant financial effects on the Scottish Government, local government or on business. As with any relocation there may be winners and losers with regard to travel costs. In this instance the costs are considered to be modest due to the provision of convenient public transport. SCTS has committed to establish a local transitional arrangements group to consider, plan and deliver a successful relocation with justice partners and stakeholders.

Scottish Government Courts Reform Team
Civil Law and Legal System Division
Justice Directorate
March 2019