POLICY NOTE

THE DRUGS COURTS (SCOTLAND) AMENDMENT ORDER 2013

SSI 2013/302

The Scottish Ministers make the following Order in exercise of the powers conferred by section 42(2) of the Criminal Justice (Scotland) Act 2003 (**a)** and all other powers enabling them to do so.

Background

The Fife Drugs Court was first piloted in 2002 and is one of two specialist drug courts currently operating in Scotland. It sits in both Dunfermline and Kirkcaldy Sheriff Courts under a dedicated, specialist Sheriff.

Drugs Courts are targeted at offenders over 21, with complex and deeply entrenched drug problems that relate to their offending behaviour, to help them recover from addiction and rebuild their lives. The policy objective is to reduce the level of drug-related offending behaviour and to reduce or eliminate offenders' dependence on, or propensity to use, drugs.

This Order removes the requirement for there to be a Drugs Court in the Sheriffdom of Tayside, Central and Fife. The Sheriff Principal for Tayside, Central and Fife advised Scottish Government officials that he will be better able to ensure the efficient disposal of court business in his Sheriffdom if we move away from a dedicated Drugs Court. The Sheriff Principal believes that, for a number of reasons, issues including court capacity, there is no longer a strong case for continuing the Fife Drugs Court in its current form.

Consultation

Scottish Government officials have consulted with the Sheriff Principal for Tayside, Central and Fife, the Scottish Court Service and Fife Criminal Justice Social Work. Under the Sheriff Courts (Scotland) Act 1971, Sheriff Principals have a statutory duty to secure the efficient disposal of court business in their Sheriffdom. The Sheriff Principal for Tayside, Central and Fife, believes that he will be better able to discharge his statutory responsibility if we move away from a dedicated Drugs Court. It is not possible to continue a Drugs Court in Fife without the support of the Sheriff Principal.

Scottish Government officials are currently working with stakeholders in Fife to ensure the Drug Treatment and Testing Order regime continues to operate effectively.

Financial Effects

Current funding for Fife Drugs Court is approximately £690,000 per annum. This is non-core centrally initiated funding, and is in addition to funding provided to Fife and Forth Valley Community Justice Authority for Drug Treatment and Testing Orders made across the area. The Cabinet Secretary for Justice confirms that no Business and Regulatory Impact Assessment is necessary as the closure of Fife Drugs Court will result in net savings to Scottish Ministers and it will have no financial effects on local government or on business.

Scottish Government
October 2013