EXECUTIVE NOTE

THE JUSTICE OF THE PEACE COURTS (SHERIFFDOM OF NORTH STRATHCLYDE) ETC. AMENDMENT ORDER 2009

SSI/2009/409

1. The above Order was made in exercise of the powers conferred by sections 64(1), 65(5) and 81(2) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 ("the 2007 Act"). The instrument is subject to negative resolution procedure.

2. This Order makes provision for the transfer of property from the Renfrewshire Council to the Scottish Ministers, in the Sheriffdom of North Strathclyde.

3. This order inserts new article 9 and new Schedule 4 into the Justice of the Peace Courts (Sheriffdom of North Strathclyde) Order 2009 (S.S.I 2009/331) that was made on 28 September 2009 and made provision in relation to:

- the establishment of JP courts in North Strathclyde; and
- the disestablishment of the district courts in North Strathclyde;

4. Section 65 of the 2007 Act specifies that an order providing for the disestablishment of a district court may also include provision for the transfer of property from the local authority to the Scottish Ministers. As this transfer of property must be carried out in the same order, amendment of the Justice of the Peace Courts (Sheriffdom of North Strathclyde) Order 2009 is required. This follows the same approach used for transferring property in the Sheriffdoms of Glasgow and Strathkelvin and Tayside, Central and Fife.

Policy Objectives

5. The 2007 Act makes provision for the unification of the administration of Scotland's summary courts to allow for the more efficient, effective and consistent handling of criminal cases through the summary courts. District courts are run by local authorities, and upon unification in each sheriffdom, will be replaced by JP courts run by the Scottish Court Service (SCS). The following Sheriffdoms have now unified:

- Lothian & Borders - on 10 March 2008
- Grampian, Highland and Islands - on 2 June 2008; and
- Glasgow and Strathkelvin - on 8 December 2008
- Tayside Central and Fife - on 23 February 2009

The Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (Commencement No. 8) Order 2009 will bring into force a number of provisions of the 2007 Act for this fifth phase of court unification on 14 December in the Sheriffdom of North Strathclyde.

6. Court unification is a key element of the Scottish Government's reform of summary justice. It will bring all court services in Scotland under the responsibility of SCS, which will provide:

- support to the Judiciary in Sheriff and JP summary criminal courts;

- court services in all summary criminal courts, and management and provision of legal and administrative staff;
- one national IT system for all summary criminal cases; and
- improved collection and enforcement of all fines and financial penalties.

Article 2 – Amendments to the Justice of the Peace Courts (Sheriffdom of North Strathclyde) Order 2009

Transfer of property

7. New article 9 and Schedule 4 provide for the transfer of property to the Scottish Ministers. The property to be transferred from The Renfrewshire Council is a building in which the Paisley JP court will sit from 14 December onwards, and is the building in which The Renfrewshire District Court currently sits.

8. By virtue of article 9(1), all the rights and liabilities of the aforementioned properties also transfer to the Scottish Ministers. Articles 9(2)-(4) contain transitional and savings provisions in relation to the transfer. This is the only property in the Sheriffdom where transfer under this Order is required.

Consultation

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

9. Many of the provisions of the 2007 Act are based on the recommendations of the 'McInnes Committee' report and subsequent consultation during 2004. The 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. Details of the history of the Act, including the McInnes report, and the *Smarter Justice* paper are all available through the Scottish Government's summary justice reform website.[3]

The Justice of the Peace Courts (Sheriffdom of North Strathclyde) Order 2009

10. Plans for unification of the summary courts under 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 North

[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

[3] The summary justice reform website can be found at: http://www.scotland.gov.uk/Topics/Justice/criminal/criminalprocedure/19008

Strathclyde.[4] Accordingly, the Scottish Ministers have consulted with the Sheriff Principal for the Sheriffdom of North Strathclyde and the Renfrewshire Council under sections 59(7) and 64(3) of the 2007 Act.

Financial Effects

11. The Order is made in accordance with the original policy intention of the relevant provisions of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007. It therefore has no financial effects beyond those which were set out in the Financial Memorandum to the Act.

Gerard Bonnar
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[4]The Scottish Court Service consultation paper *Delivering a Unified Courts Administration in North Strathclyde*, and the report on responses to that consultation are available at:
http://www.scotcourts.gov.uk/court_unification/publications.asp