

Report to:	<b>Corporate Resources Committee</b>
Date of Meeting:	<b>29 June 2005</b>
Report by:	<b>Executive Director (Corporate Resources)</b>

Subject:	<b>Summary Justice – Review of Courts Service</b>
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## 1 Purpose of Report

1.1 The purpose of the report is to:-

- ◆ Advise Members of the Government's proposals for the review of the Lay Justice System.

## 2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that the content of this report is noted
- (2) that the Executive Director (Corporate Resources) is authorised to enter into negotiations, at the appropriate time, with the Scottish Courts Service and the Trade Unions and staff, where appropriate, for the implementation of the Government's Summary Justice Reform proposals, including the transfer of the District Courts to the Scottish Courts Service.

## 3 Background

3.1 Members will be aware that some time ago Sheriff Principal McInnes was instructed to carry out a review of the District Courts System in Scotland. As a result of that review the main recommendations made by the Scottish Executive are:-

- Lay Justices will be retained, but be appointed initially for a fixed term of 5 years, which can be renewed up until the age of 70 years.
- The Justice of the Peace Advisory Committee will be replaced with a new Justice of the Peace Advisory Committee for each Sheriffdom, which will be chaired by a Sheriff Principal and will include representatives from active Lay Justices in the wider community.
- Signing Justices will be retained. They will carry out limited duties compared to Full Justices.

3.2 The Report canvasses the possibility of local authorities nominating a higher proportion of councillors to be 'Signing Justices'. It is considered that such a proposal should be supported in principle.

3.3 The Scottish Courts Administration Service will be unified across Scotland on a Sheriffdom by Sheriffdom basis. While the Report does not give any indication as to when this will start, it is anticipated that the process will be completed by 2008.

- 3.4 All Fines will be collected by the Scottish Courts Service. There will be an increased use of fixed penalties. There are various other proposals such as :-
- Fiscal Fines will be increased to £500
  - Fiscal Compensation Orders will be increased to £5,000
  - Sheriffs sitting Summarily (i.e. without a Jury) will be able to sentence up to one year. Sheriffs will be able to impose a maximum fine of £10,000.

#### **4. Employee Implications**

- 4.1 When the Courts System is transferred to the Scottish Courts Service, there will be staff implications. It is requested that the Executive Director (Corporate Resources) be authorised to enter into negotiations with the Trade Union to agree a process to ensure that those staff who are able and willing to transfer to the Scottish Courts Service do so and that those staff who wish to remain with South Lanarkshire Council are found alternative positions within the Council.

#### **5 Financial Implications**

- 5.1 There will be financial implications as the Fine Income will also be transferred to the Scottish Courts Service. The current Fine Income targets are £192,000 per annum. In addition the Grant Aid received for the Courts will no longer be awarded.

#### **6 Other Implications**

- 6.1 There will need to be detailed discussions with the Scottish Courts Service in relation to the transfer or lease of court buildings and ancillary issues.

#### **7 Consultation**

- 7.1 The Consultation Process has been ongoing over the last few years.

**Alan Cuthbertson**  
**Executive Director (Corporate Resources)**

15 June 2005

#### **Link(s) to Council Objectives**

- Living in the Community

#### **Previous References**

None

#### **List of Background Papers**

None

#### **Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

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