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Justice Committee Comataidh a' Cheartais

The Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) etc. Amendment Order 2019

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

JUSTICE OF THE PEACE COURTS

The Justice of the Peace Courts (Sheriffdom of
South Strathclyde, Dumfries and Galloway) etc. 2019

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Justice Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Justice, and functions of the Lord Advocate other than as head of the systems of criminal prosecution and investigation of deaths in Scotland.



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Introduction

1. At its meeting on 23 April 2019, the Justice Committee ("the Committee") considered the following draft Scottish Statutory Instrument:
 - [The Justice of the Peace Courts \(Sheriffdom of South Strathclyde, Dumfries and Galloway\) etc. Amendment Order 2019](#).
2. The instrument is made under section 59(6)(a) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 ("the 2007 Act").
3. The instrument was laid before the Parliament on 19 March 2019 and referred to the Committee. The Committee is required to report to the Parliament on the instrument by 13 May 2019. The instrument is subject to the affirmative procedure.
4. This instrument is being made to facilitate the relocation of the justice of the peace court based in Coatbridge to new premises in Airdrie.

Purpose of the instrument

5. The purpose of the instrument is to grant authority for the relocation of the Justice of the Peace Court ("JP court") for the sheriff court district of Airdrie, which is currently based in Coatbridge, to be relocated to nearby premises in Airdrie. The instrument achieves this by amending the Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) etc. Order 2009.
6. The 2007 Act created powers and procedures to establish, disestablish and relocate courts of summary criminal jurisdiction, known as JP courts. Where a JP court is to be relocated, the legislation requires that first a proposal is submitted to Scottish Ministers by the Scottish Courts and Tribunal Service ("SCTS") with the agreement of the Lord President of the Court of Session.
7. 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 the formal consent of both the Lord President and SCTS.
8. The SCTS undertook formal consultation on this 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 was, therefore, considered necessary.
9. The Scottish Government engaged on the technical drafting of the Order with the Lord President's Private Office and SCTS. Both the Lord President and SCTS gave formal consent for the Order to be made.

Policy objective and financial effect

10. The policy objective of the Order is to provide up to date facilities for the Coatbridge JP Court by moving it 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) at Graham Street, Airdrie and provide a modern, purpose-built courtroom facility with improved and accessible facilities for court users.
11. The current Coatbridge facility is leased from North Lanarkshire Council, and requires urgent investment in priority repairs. The SCTS has identified savings in opting to invest in the new building right across the street from the existing Sheriff Court at Graham Street, Airdrie. The Order comes into force on 8 June 2019 when the relocation will take effect.
12. The Scottish Ministers state that the Order will not have any significant financial effects on the Scottish Government, local government or on business. The Scottish Ministers recognises any relocation may have implications from some stakeholders with regard to travel costs. However, in this instance the costs are considered to be modest due to the provision of convenient public transport near Graham Street in Airdrie. The SCTS has committed to establish a local transitional arrangements group to consider, plan and deliver a successful relocation with justice partners and stakeholders.

Consideration by the Delegated Powers and Law Reform Committee

13. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 26 March 2019 and agreed that it did not need to draw it to the attention of the Parliament on any grounds within its remit.

Consideration by the Justice Committee

14. Ash Denham MSP, the Minister for Community Safety lodged motion S5M-16769 proposing that the Justice Committee recommends approval of the instrument.
15. At its meeting on 23 April, the Committee took evidence on the instrument from Humza Yousaf MSP, Cabinet Secretary for Justice, Walter Drummond-Murray, Courts and Tribunals Policy Officer, and Jo-Anne Tinto, Directorate for Legal Services, Scottish Government.
16. The Cabinet Secretary outlined the reasons for the decision to relocate the JP Court in question from Coatbridge to Airdrie. During the debate on the instrument, Members indicated support for the decision to relocate the JP Court to new facilities in Airdrie.
17. Following the debate, the Cabinet Secretary moved the motion (S5M-16769) on behalf of the Minister for Community Safety— That the Justice Committee recommends that the Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) etc. Amendment Order 2019 [draft] be approved.
18. The motion was agreed to without debate or division.

Conclusions

19. The Justice Committee recommends to the Parliament that it approve the Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) etc. Amendment Order 2019 draft.

