

Justice Committee

Courts Reform (Scotland) Bill

Written submission from the Part Time Sheriffs' Association

1. Introduction

1.1 The Part Time Sheriffs' Association (the PTSA) is grateful for the opportunity to respond to the call for evidence on the Courts Reform (Scotland) Bill. This follows on from the PTSA response which was submitted at the consultation process prior to the Bill being introduced; the content of which remains the view of the PTSA although is not replicated here for the purpose of brevity. The PTSA intends to restrict its comments in this response to those provisions of the Bill most directly related to the work of the part-time sheriffs.

2. Response

2.1 **Section 8** – The PTSA fully supports the proposal to retain the flexibility of appointment in relation to part time judiciary. The Bill seeks to take forward the recommendations from the Gill Review in relation to a restructuring of the judiciary and as a consequence the opportunity has been taken to modernise and consolidate many of the remaining provisions of the Sheriff Courts (Scotland) Acts of 1907 and 1971. There will clearly be a lengthy transitional period during which these changes will be implemented, including in particular the planned reduction in the number of sheriffs appointed and the introduction of the new role of summary sheriffs. During this time the need to rely upon the highly trained and flexible resource of part-time sheriffs to provide the necessary cover to ensure an ongoing, efficient and effective justice system will become greater.

2.2 **Section 9** – The PTSA notes the proposed requirements regarding the re-appointment of part-time sheriffs. There have been occasional issues in the past with both parts (b) and (c) of section 9(1), and the PTSA questions whether there might be scope for some form of review or dispute resolution procedure where the part-time sheriff believes either that the recommendation of the sheriff principal is flawed or that the 50 day requirement has been applied too rigidly and there has been a failure to take account of some strong mitigating factor.

2.3 **Section 12** – The PTSA questions, given that the Bill is seeking to take the opportunity to modernise the role of the judiciary, whether this might now be the time to reconsider entirely the issue of the re-employment of retired sheriffs. The retiral age for the judiciary in Scotland is now fixed at 70. The provision in section 12 allows for a former judicial office holder to be appointed on an ad-hoc basis up until the age of 75. The role of a judicial office holder is arduous and stressful. The requirement to maintain and update judicial knowledge continually in an increasing “internet” age is extremely demanding. Whilst a retired judicial holder may wish to continue to make a contribution

to public service, his or her re-appointment to a judicial role may not be the appropriate method.

2.4 **Section 34** – The PTSA welcomes the proposal to increase the level of judicial specialisation and to include the part-time sheriffs as judicial office holders who may be considered suitable for appointment in specialised categories. Amongst the present contingent of part-time sheriffs there are many who have a wealth of experience and skills in specific areas of the law and who would be willing and able to be accredited as specialists and are available to be utilised in that capacity. Consideration could also be given to extending the composition of the Appeal Sheriffs, as envisaged presently in section 49, to allow for part-time sheriffs with the appropriate experience and expertise to be included in the list of potential appointees by the Lord President.

Part Time Sheriffs' Association
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