

EXECUTIVE NOTE

THE JUSTICE OF THE PEACE COURTS (SHERIFFDOM OF SOUTH STRATHCLYDE, DUMFRIES AND GALLOWAY) REVOCATION ORDER 2009 (SSI 2009/180)

1. The above Order was made at 1.55 pm on 12 May 2009 in exercise of the powers conferred by sections 59(2), 64(1) and (4), and 81(2) and 82(1) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (“the 2007 Act”). The instrument is subject to negative resolution procedure.

2. This Order revokes the Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) Order 2009 (S.S.I. 2009/115) (“the principal Order”), which was made on 19 March 2009.

Policy Objectives

3. On Tuesday, 5 May 2009 the Justice Committee voted in favour of a motion to annul the principal Order. As a result, the Scottish Ministers have decided the principal Order should be revoked. Certain provisions of the principal Order were due to enter into force on 18 May 2009, the remainder coming into force on 29 June 2009. Accordingly, this revocation Order enters into force on 16 May 2009, prior to the provisions of the principal Order.

Consultation

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

4. Many of the provisions of the 2007 Act are based on the recommendations of the ‘McInnes Committee’ and subsequent consultation during 2004. The then Scottish Executive published *Smarter Justice, Safer Communities – Summary Justice Reform Next Steps*¹, in March 2005 following extensive consultation on the recommendations of the report² of the Committee chaired by Sheriff Principal John McInnes.

The Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) Order 2009

5. 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 South Strathclyde, Dumfries and Galloway.³

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 Scottish Court Service consultation paper *Delivering a Unified Courts Administration in the Sheriffdom of South Strathclyde, Dumfries and Galloway* and the subsequent report on that consultation are available at: http://www.scotcourts.gov.uk/court_unification/publications.asp.

Accordingly, before making the principal Order, Scottish Ministers consulted with the Sheriff Principal for the Sheriffdom of South Strathclyde, Dumfries and Galloway, Dumfries and Galloway Council, East Ayrshire Council, North Lanarkshire Council, South Ayrshire Council and South Lanarkshire Council under sections 59(7) and 64(3) of the 2007 Act.

The Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) Revocation Order 2009

6. On 5 May 2009 Scottish Court Service wrote to the Sheriff Principal for the Sheriffdom of South Strathclyde, Dumfries and Galloway, Dumfries and Galloway Council, East Ayrshire Council, North Lanarkshire Council, South Ayrshire Council and South Lanarkshire Council informing each of the Justice Committee's decision to recommend annulment of the principal Order.

7. On 11 May 2009, Scottish Court Service wrote again to the Sheriff Principal and the local authorities of the Sheriffdom of South Strathclyde, Dumfries and Galloway. That letter invited views on the Scottish Government's proposal to revoke the principal Order.

8. Accordingly, the Scottish Ministers have consulted with the Sheriff Principal for the Sheriffdom of South Strathclyde, Dumfries and Galloway, Dumfries and Galloway Council, East Ayrshire Council, North Lanarkshire Council, South Ayrshire Council and South Lanarkshire Council under sections 59(7) and 64(3) of the 2007 Act.

Financial Effects

9. The principal Order was made in accordance with the original policy intention of the relevant provisions of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007, and therefore had no financial effects beyond those which were set out in the Financial Memorandum to the Act.

10. This Order has no direct financial effects. The status quo of local authorities running district courts in the Sheriffdom of South Strathclyde, Dumfries and Galloway will continue.

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