

REPORT TO: POLICY AND RESOURCES COMMITTEE - 26TH JANUARY, 2009

REPORT ON: SUMMARY JUSTICE REFORM

REPORT BY: DEPUTE CHIEF EXECUTIVE (SUPPORT SERVICES)

REPORT NO: 35-2009

1.0 PURPOSE OF REPORT

- 1.1 This report advises the Committee of the replacement of the existing Council-run District Court in Dundee with a new Justice of the Peace Court.

2.0 RECOMMENDATION

- 2.1 The Committee is recommended to note the position and to express its thanks to all Justices of the Peace and District Court staff, past and present, for their contribution to the administration of Summary Criminal Justice in Dundee since 1975.

3.0 FINANCIAL IMPLICATIONS

- 3.1 The direct budgeted costs for the District Court in 2009/10 are £59,000 and an appropriate adjustment will be made to the Council's Revenue Grant funding to reflect the transfer of this service. A small adjustment of £8,000 will also be made to the 2008/09 Revenue Grant to reflect the part year effect of the transfer.

4.0 MAIN TEXT

- 4.1 Dundee District Court is a summary criminal court administered by the City Council and, before that, the City of Dundee District Council under the District Courts (Scotland) Act 1975.
- 4.2 In 2005, as part of proposals for Summary Justice Reform, plans were announced to unify the administration of Sheriff and District Courts under the aegis of the Scottish Court Service. This is being done on a phased basis. Dundee District Court will be disestablished on 22nd February, 2009 and a Justice of the Peace Court established in its place the following day in terms of the Criminal Procedure etc (Reform) (Scotland) Act 2007.
- 4.3 Post - unification the location of the Court will remain unchanged.
- 4.4 District Court administrative staff will transfer from the Council's employment to the Scottish Court Service some on their existing terms and conditions and others at their own election on new Scottish Court Service conditions on 23rd February, 2009. Arrangements are also being made through a Transfer Order to transfer the Court building to the Scottish Court Service.
- 4.5 Existing Justices of the Peace will cease to hold office under the 1975 Act at unification but will generally then be appointed as a Justice of the Peace under the 2007 Act immediately thereafter thus ensuing continuity of the bench.
- 4.6 The District Court has played a crucial role in the administration of criminal justice in Dundee for over 30 years as a result of the hard work, dedication and professionalism of the Justices of the Peace and District Court staff to all of whom thanks are due.
- 4.7 The solicitors who have provided legal advice and clerking of the Court will not transfer to the Scottish Court Service but arrangements are being entered into with the City Council to provide cover for the Scottish Court Service's Legal Advisers. The Committee is also asked to express its thanks to these solicitors past and present who have provided this service.

5.0 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.

There are no major issues.

6.0 CONSULTATIONS

- 6.1 The Chief Executive, Depute Chief Executive (Finance) and Head of Finance have been consulted in the preparation of this report.

7.0 BACKGROUND PAPERS

- 7.1 None.

Patricia McIlquham
Depute Chief Executive (Support Services)

Date: 19th December, 2008