



The Scottish Justices Association

The Scottish Justice – eNewsletter

December 2015

News from the SJA

1. **The AGM** –The SJA Executive Committee are pleased to report that the AGM was successfully held on Sunday 22nd November at the Novotel Hotel at Edinburgh Park. The AGM followed the Lothian & Borders Training event held at the Novotel Hotel and ensured that a quorum was achieved. A total of 34 SJA members attended the AGM (20 members are required for the meeting to be quorate). The minutes of the 2014 AGM were approved as were the SJA accounts. The Treasurer, John Whyte reported that the Scottish Government grant had been reduced to £12,000 for the year and only half of this sum had been claimed. Even if the remaining £6,000 is not claimed, however, it was noted that the SJA reserves would still be expected to be in the region of £14,000 by the end of the 2015/16 financial year which, combined with a reduced annual grant of £6,000 for next year is within the annual forecast budget for 2015/16. The meeting also agreed to review the position of the Independent Examiners for the Accounts in accordance with good governance practice. The main business of the meeting was to consider three motions, two of which were associated with improving the clarity of the SJA Constitution. The first motion was proposed by the SJA Executive Committee and in essence was designed to correct minor references contained within the Constitution and to clarify the wording surrounding membership of the SJA Executive for members reaching retirement age. This motion was passed unanimously. The second motion was proposed by Keith Parkes and was to clarify the timetable for the circulation of minutes and the Annual Report prior to the AGM and to include a future year budget within the Treasurers Report. Again, this motion was passed unanimously. The third motion was proposed by John Hutchison and called upon the SJA Executive Committee to undertake a full review of its activities and organisation and that such an objective examination of its work would be designed to ensure that it matched the objectives of the SJA and the needs of its members. This review was aligned to the principles of good governance for the SJA. The motion required the review to be undertaken by the end of March 2016 with a full

report within a month. Whilst the concept of the review was agreed there was a discussion on the timescale required it and Neil Morrison proposed that the timetable be pushed out by three months with the report to be completed by the end of June 2016 and the report submitted to all SJA members by the end of July. The amended motion with this revised timetable was unanimously agreed.

2. SJA Executive Committee Office Bearers Elections 2015/16

Immediately following the AGM the SJA Executive Committee met to elect the Office Bearers for the coming year. As a result the following appointments were made:-

Chairman-	John Lawless
Vice-Chairman-	Tom Finnigan
Treasurer-	John Whyte
Secretary-	Keith Parkes

(An apology is due to Keith Parkes who we incorrectly identified as a Wing Commander in our last edition of the '*Scottish Justice*', he in fact is Group Captain Keith Parkes).



The CMJA Conference 2015

As reported in the Annual report of the SJA John Lawless attended the 17th Triennial Conference of the Commonwealth Magistrates' and Judges Association in Wellington, New Zealand from 13 -18 September. John provided a brief report for the Annual Report and has subsequently provided a very detailed report on the conference and this full report will be made available on the SJA website. The '*Scottish Justice*' editorial team are currently working with John to provide an edited report which highlights the key areas of interest to the JP community, and this will be the sole item in a special edition of the '*Scottish Justice*' which will be available early in the New Year

Ms Collette Paterson

As was reported back in May Ms. Collette Paterson Was appointed was appointed as the Head of JP Programmes within the Judicial Institute. The ‘*Scottish Justice*’ contacted Collette and invited her to submit an article introducing herself and how she see her role, this is Collette’s article. Collette is pictured below.



‘For the things we have to learn before we can do them, we learn by doing them’ - Aristotle

This favourite quote springs to mind when I consider the pace of change over the last few years. From the introduction of drink driving cases last year, to the changes to vulnerable child witnesses from early 2016, you have shown great commitment to undertaking training in order to meet new challenges in your court.

I am delighted to contribute to your December newsletter. This has provided me with an opportunity to reflect on my first four months in post and in doing so there are three key areas of work that I would like to share with you. They are:

- new educational standards from 2017
- national training at the JI
- the Judicial Hub and JP e-resources

New educational standards from 2017

At its meeting on 4 December, the newly constituted JTCJI (Justices’ Training Committee of the Judicial Institute), which comprises each JTAC Convenor and is chaired by Sheriff Principal Lewis, made important decisions regarding the proposed changes to justices’ training from 2017 which are currently in draft form. The implementation plan, which I will use to manage the change so that the scheme can be introduced in 2017 if it is approved, was agreed. The Committee also started work on developing the ‘national curriculum’ for justices of the peace, its development being a core function of the new Committee. Your JTAC Convenor and their committee will be doing further work on the first draft of a new ‘national curriculum’ between now and February 2016.

The sub-committee of the JTCJI, the Justices' Training Technical Committee (JTTC), met for the first time on 12 November. The JTTC is comprised of the SLA in each Sheriffdom, Director of the Judicial Institute Sheriff Duff, Deputy Director of the Judicial Institute Sheriff Cubie, the Head of Education and me. The Committee's remit is to ensure the development of high quality training material for use across Scotland, to curate that material so that it is searchable and can be easily used to meet training needs, to continuously improve the material, and to ensure that those Legal Advisers delivering training to justices have the skills to do so. We are at very early stages of this work and we are enthused about developing our new function over the course of 2016.

National training at the JI

If you have not already done so, please consider your learning needs for 2016 and how the JI can support you, and review our [2016 prospectus](#). We are running seven one day courses over the course of 2016. The courses are all in one area of your work, and give justices the opportunity explore the different component parts of that work over the course of the day. This is the model that we anticipate would support the new training arrangements as currently drafted.

Courses next year are on road traffic, the unrepresented accused, vulnerable witnesses and courtroom communication. Our focus is on interactive learning with your fellow justices, simulated scenarios and mock courts. We have two purpose built court benches which allow us to closely simulate court experiences. The JI is also uniquely placed to attract high calibre national speakers to support your understanding of the social context in which you are operating and the community justice framework.

It is anticipated that attendance at JI training once every three years will be an essential component of the new training standards from 2017. Please consider 2016 as your opportunity to visit the JI and develop your awareness of how our national training programmes can support you in court.

The Judicial Hub and JP e-resources

The Judicial Hub is the main platform for the provision of information and communications from the Judicial Office, Judicial Institute and Lord President's Office. These are important communications essential to undertaking your judicial role and it is important that all Justices access the Hub regularly.

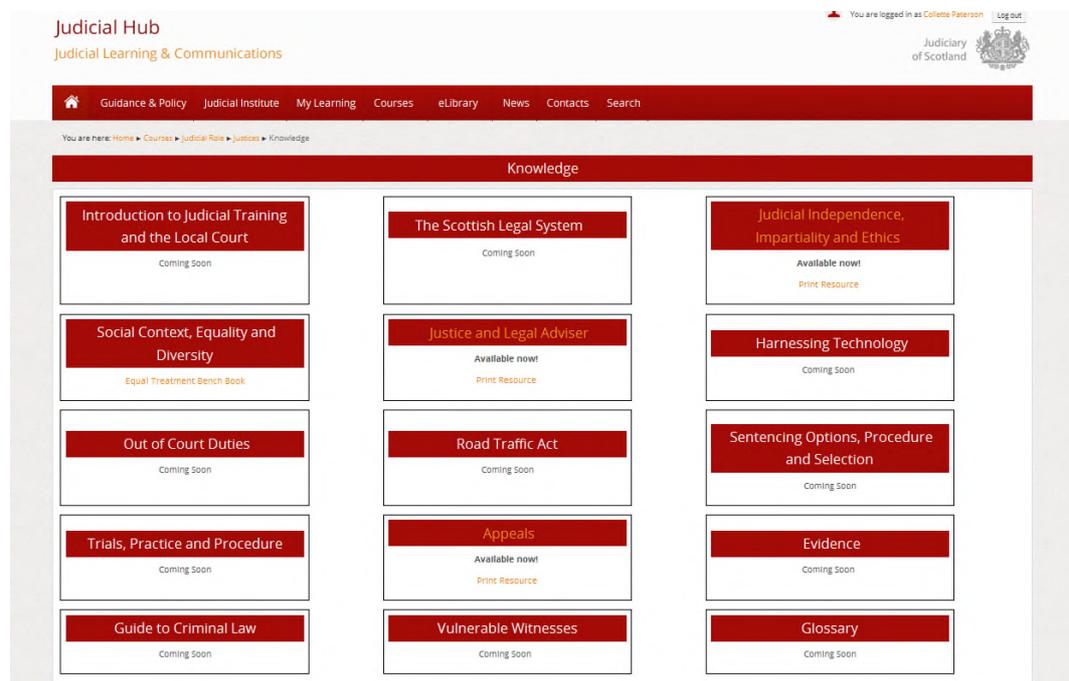
The Hub is not part of the SCTS infrastructure, does not sit on the SCTS corporate IT network and is not managed by corporate IT. It is managed in such a way that that you can easily access it from any personal computer or mobile device with an internet connection. It requires separate login details and Justices are provided with a username and password by your Judicial Institute Hub Support team. **If you have forgotten your password for the Hub, or have never accessed the site, contact us at judicialhub@scotcourts.gov.uk**

The 'Justices Hub' section is dedicated to justices. This includes 'Brief Notes' on case law of direct relevance to justices.

I hope you will log into the Justices' Hub regularly and find it increasingly useful. In doing so, please remember that materials contained here are aimed at assisting the judiciary with

their responsibilities and are not generally available in the public domain. They should not be copied or passed to third parties who are not members of the judiciary.

We launched a new collection of JP e-resources within the Justices' Hub on 2 November 2015. This work has a new focus and we have a broader remit than would have been possible if we had adopted a traditional 'bench book' approach. We are developing a flexible range of knowledge items for justices who can choose to review content as they wish. We have designed a new platform for JP e-resources in the Justices' Hub that is highly navigable, with interactive menu headings and sub-headings which are designed to direct justices to particular issues they wish to refresh their knowledge on. Entire resources can also be downloaded. Click on the icon below to be taken to the relevant page in the Justices' Hub:



We are currently developing guidance on out of hours duties which we will have more information on early next year. In the meantime, I would be keen to hear from justices on the challenges which arise in executing your out of hours duties, and your views on how JP e-resources could support you. Please email me at cpaterson@scotcourts.gov.uk.

Season's greetings

On behalf of the fifteen strong JI team, our very best wishes as 2015 draws to a close, and we will look forward to supporting your learning in 2016.

2016 JP Training Courses from the JI

Details of JP specific Training Courses for the first half of next year are given on the Judicial Hub. As there is a variable use of the Judicial Hub by JP's the outline details of these courses are given below. Full details of the courses are available on the Hub and you do need to

apply to attend these courses on the Hub website. All courses are scheduled to be held in the Judicial Institute's premises in Edinburgh.

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|---|-----------------|
| 1. Road Traffic – Recurring Themes | 5 February 2016 |
| 2. Courtroom Communication – Coaching for JPs | 14 March 2016 |
| 3. Vulnerable Witnesses and the use of Courtroom Technology | 22 April 2016 |
| 4. Unrepresented Accused in the JP Court | 24 June 2016 |

800 Years of Human Rights

2015 marked 800 years since the signing of the Magna Carta. There were numerous events to commemorate this and the 'Scottish Justice' editorial team felt that they could also not allow this anniversary to go unmarked. We are therefore grateful for permission from the author for the reproduction of the following article.

Geraldine Van Bueren QC is a former Commissioner on the Equality of Human Rights and is Professor of International Human Rights Law, Queen Mary University of London and Visiting Fellow Kellogg College, Oxford. In this article she gives a brief national perspective on the status of human rights in the UK, potential current threats, and possible future directions.

'The UK has a long and proud tradition of developing human rights, from the Magna Carta in 1215 to the Bill of Rights in 1689, the involvement in drafting the European Convention on Human Rights (ECHR) to the enactment of the Human Rights Act (HRA) in 1998. Over the centuries many brave Britons, both famous and unknown, have died arguing for and protecting human rights. However, as well as protecting human rights, some governments have also derided charters of rights and the courts that enforce them.

Arguably there is a general and substantial lack of understanding of the Act, with significant misconceptions among the public, politicians, lawyers, the media and public authorities of whom it protects, where it derives from and the limits of its application.

The HRA fits into the UK's particular constitutional traditions, providing essential human rights protection to everyone in the UK: it helps protect women from domestic violence, keep families together, make it safer to be gay, and allow the UK to take a principled stand on human rights around the world, to name just a few examples. Significantly, the Act has also 'brought rights home'; while previously British citizens had to endure delay in bringing a human rights case before the European Court of Human Rights, they can now go first to courts in the UK, using the European Court as an essential safety net.

If for example, a new British Bill of Rights were to be developed it should only build on and expand the rights and mechanisms contained in the HRA. It would provide an opportunity for a national convention on human rights. This did not happen with the HRA, and is one of the principal reasons for its lack of enthusiastic support. There is no sense of ownership. A national convention for a new British Bill of Rights would not only mean through

Government channels and major conferences, important as these are, but also small local meetings and high street campaigning –answering people’s genuine worries and fears about human rights respectfully, honestly and fully, face to face and online.

We need to protect freedom of speech, due process and privacy, but also the rights that many regard as important to daily life, particularly when times are tough. There is a group of human rights not yet included in UK law that would provide everybody, majorities and minorities, women and men, with a much needed safety net.

The right to the highest attainable standard of healthcare, access to housing, and the right to work are rights recognised by the British government in international treaty law but not yet brought home. These socio-economic rights would help to protect the elderly in care homes and could make it easier to receive lifesaving drugs, and ought to be included in a British Bill of Rights. Many countries have found that they help bolster democracy and widen the appeal of human rights.

The UK’s membership of the ECHR is also under threat, and a similar level of confusion surrounds it. It has been mooted for example that a future government might withdraw from the ECHR if the UK parliament failed to secure the right to veto its judgments.

A rich and informed debate based on evidence is a sign of a vibrant democracy and one of which we should be proud. We all therefore have the opportunity, in our own ways, to correct misleading and erroneous stories. It is critical to make more widely known that the ECHR has rejected most of the cases brought against the UK.

It is worth bearing some in mind that the ECHR is not only a sword but also a shield for governments of all political persuasions. If for example, the UK were to seek to withdraw from the ECHR, or to rebalance the relationship between national courts and the European court, it would become the first country in Europe to do so. This would have immense ramifications and would irreparably damage our reputation as a supporter of democracy and human rights globally.

Magna Carta is rightly celebrated by politicians of all persuasion in the UK and abroad. It is, however, worth remembering that King John – who gave his seal to the document 800 years ago – did not welcome it: he sought to resist Magna Carta and even asked Pope Innocent III to annul it. Today’s controversy becomes tomorrow’s proud recognition of our human rights.

Geraldine Van Beuren

(This article is reproduced by kind permission of Professor Van Beuren. A longer version of the article was published in the Spring 2015 edition of Amnesty Magazine).

Some Notable Retirements

1. North Strathclyde



Pictured at the civic reception are (L-R) Jackie Baillie MSP; Mike Gregory, Lord Lieutenant; Owen Sayers MBE DL; Tom Finnigan JP DL, Chair of Dumbarton JP Forum; West Dunbartonshire's Provost, Douglas McAllister; Gill Paterson MSP; and Joyce White, Chief Executive of West Dunbartonshire Council.

An evening was held in honour of Owen Sayers MBE, who has retired on 21st June, 2015 after nearly 30 years as a Justice of the Peace in the area. A former Council worker, Mr Sayers took up positions as Justice of the Peace at Clydebank District Court and North Strathclyde JP Court in 1986.

He has been a familiar face at Clydebank and Dumbarton Sheriff courts for nearly three decades, presiding over cases at both for 29 years, and during his career also spent time as Chairman of the West Dunbartonshire Justices Committee and Chairman of the Regional Training Committee. He remains Deputy Lord Lieutenant for Dunbartonshire, having been appointed to the position in 1996.

Other retirements in 2015 in North Strathclyde include Michael O'Sullivan and Peter Proctor. The Scottish Justice takes this opportunity to thank them for their valued contribution to the justice system and wish them well in their retirement

2. Glasgow and Strathkelvin

Glasgow and Strathkelvin Sheriffdom recently said farewell to three well respected and long serving Justices. Jan Khan, George Fullarton and Bill Lavery had over seventy years' service between them on the Glasgow bench. All three reached the age of seventy during the course of 2015, with Jan retiring in April, George in June and Bill in October. Whilst formal presentations had been made at the time of their respective retirements, a celebratory night out for all three was held in Glasgow in November and was very well attended by their colleagues. Their knowledge and experience will be missed by all of their colleagues.

3. Lothian and Borders

The Lothian and Borders annual training conference held at the end of November was voted a great success but was also tinged with nostalgia for many of those taking part when they found themselves saying fond farewells to no less than four highly respected and much admired colleagues and friends who have, or who are about to retire from the Bench. David Hamilton, Les McEwan, Philip Murray and Tom Smith have a combined total of 128 years on the Bench with Les alone, amassing an amazing 40 years service. Philip is a past Chair of the SJA and David represented Lothian and Borders on its Executive until November 2015.

'When will we see there likes again?'

Contact with the SJA

The *Scottish Justice* sub-committee would like to hear from all of our members with views about the revised format of the '*Scottish Justice*'. In addition we would very much welcome articles and local news from each of the Sheriffdoms for inclusion in future editions, such as the retirements detailed above.

The contact details are as follows:-

Dennis Barr - Glasgow and Strathkelvin Sheriffdom - dennis.barr2@ntlworld.com

David Ferguson – South Strathclyde, Dumfries and Galloway Sheriffdom

david_ferguson@inbox.com

Bob Mitchell – Lothian & Borders Sheriffdom – bobmitchell6@tiscali.co.uk

Marella O'Neill – North Strathclyde Sheriffdom – marella.oneill@btinternet.com

Should you wish to make contact with the full SJA Executive Committee in connection with the AGM or on any other subject, this can be made through the Secretary's web mail address which is secretary@scottishjustices.org.

Finally the '*Scottish Justice*' editorial team would like to wish all SJA members a very Merry Christmas and a Happy and Prosperous New Year