



The **Scottish Justices** Association

The Scottish Justice – eNewsletter

September 2016

News from the SJA

1. The 2016 Annual General Meeting

The SJA Executive Committee are pleased to reiterate and confirm the arrangements for the 2016 AGM. This year it will be held on Sunday 20th November at the Golden Jubilee Hotel and Conference Centre (previously known as the Beardmore Hotel) in Clydebank. The hotel and Conference Centre is adjacent to the Golden Jubilee Hospital in Clydebank and this is well sign-posted in the Clydebank area. The meeting will commence at 2:00pm, and will follow after lunch from a training session being held by North Strathclyde Sheriffdom JP's at the same venue. All members of the SJA are most welcome to attend the AGM and the Executive Committee hope to see as many members as possible attend this year.

As required by the SJA Constitution the Annual Report of the SJA will be circulated well in advance of the meeting, as will the draft agenda. If any member wishes to submit an agenda item this can be done at any time by e-mail to the SJA Secretary at the following address, secretary@scottishjustices.org

2. SJA Executive Committee Elections

A separate circular has been issued to all members advising of the results of the recent elections to the SJA Executive Committee in their Sheriffdom, and all new and re-elected members of the Committee will take up their appointments at the AGM in November. The full list of SJA Executive Committee members effective from 20th November 2016 will therefore be as follows:-

Glasgow and Strathkelvin Sheriffdom

John Lawless

Dennis Barr

Neil McKechnie

Grampian Highlands and Islands Sheriffdom

Brian Wood

Thomas Davis

Lothian and Borders Sheriffdom

John Burns

North Strathclyde Sheriffdom

Tom Finnigan

Marella O'Neill

Grace McLeod

South Strathclyde, Dumfries and Galloway Sheriffdom

Gordon Hunter

David Ferguson

Tayside, Central and Fife Sheriffdom

John Whyte

David Donaldson

Whilst this Committee membership at 13 represents an increase over the current complement the SJA Executive hope and wish that all Sheriffdoms are fully represented and therefore hope that following the 2017 elections there will be a total of 18 members of the Executive Committee.

3. The SJA Survey of Members

Firstly the Executive Committee would like to thank all of the 87 members who responded to the on-line survey on the role of the SJA. The draft report on the results of the survey was issued to the Committee members a matter of hours before the last Committee meeting and therefore it did not allow any consideration of the findings. Accordingly, they will be considered at the next Committee meeting. It is evident however, that from an overview of

results that members have raised a range of important issues and questions that the Executive do need to consider and respond to. This will be done in an open and transparent manner and the SJA Executive Committee plan to issue further information and results of the survey in a separate communication to all members it will be circulated after full consideration of the survey responses has been completed. This will include the comments from the consultant engaged to prepare the survey. One clear issue was the need to keep the SJA website more up to date, and this is being actioned immediately. You should therefore note that the website has been changed and will be updated regularly.

Utility Warrant Signing – Your Views Please

In June our Chairman, John Lawless, received a letter from a JP in GH&I Sheriffdom regarding the signing of utility warrants. The letter expressed concern that JP's were being asked to sign warrants to recover debt for utility companies who were now commercial organisations, rather than their previous status as nationalised industries enjoying a monopoly position for the supply of power. The letter also pointed out that JP's do not have any civil jurisdiction and therefore should not be involved in debt collection. As a consequence the view was expressed that the utility companies should use the normal civil court actions, as are open to all companies, for the recovery of debt. Furthermore, concern was also raised that the utility companies had to pay the Scottish Courts and Tribunal Service for each warrant, which he felt is contrary to the spirit of lay justice. It was therefore requested that the SJA raise this matter with the appropriate legal or governmental body responsible for this process of signing utility warrants.

The SJA Executive Committee considered this letter at their meeting held on 5th August. It was noted that similar concerns had been expressed by JP's in other Sheriffdoms, and that this was becoming a significant issue in several Sheriffdoms.

The Executive Committee did debate the issue and a number of other factors were discussed in relation to this issue. Generally, the Committee felt it was necessary to discriminate between those warrants that were being issued on safety grounds, such as gas boiler inspection, and for fraudulent tampering with meters, compared with those purely for debt recovery. The Executive Committee also had less of an objection for the disconnection, or installation of pre-payment meters, in commercial as opposed to domestic premises.

The Committee also did note that if the utility companies were to follow standard commercial practice for the non-payment of goods and services, then this could result in a significant increase in the number of disconnections from the supply of power, and that given the climate in Scotland during the winter months, this could have tragic consequences. The preferred option for the utility companies is to install pre-payment meters in domestic premises and thereby the customer has in effect control of disconnection; even if they do not have control of the cost per unit of power.

The Committee did note that Scottish Court staff were actively engaged in the verification and checking of utility warrants, and therefore felt that the charge levied on the utility warrants was justified.

Overall, the Committee felt that too frequently JP's were not provided with sufficient information about the activities undertaken by the utility companies prior to seeking a warrant, and felt it appropriate that the utility companies should demonstrate that they had taken all reasonable steps to manage the debt. This issue has been exacerbated in recent years by the fact that there had been a notable increase in the number of utility supply companies, and that most utility companies now outsource their debt recovery processes. Consequently, there is a belief that the utility companies do not exercise the same level of control of these processes as previously.

The Executive Committee did raise this matter at the most recent liaison meeting with the Scottish Courts and Tribunal Service. It was confirmed at this meeting that this is a statutory matter and that JP's had an obligation to consider warrants, though not necessarily to grant them. It was also confirmed that the primary purpose of any warrant of this nature was to make it lawful to enter premises with due cause and not specifically to facilitate debt recovery.

The Committee felt it appropriate to seek the views of other SJA members on what is potentially a complex issue, and to assist on how best to pursue the concerns that have been raised. The Committee therefore would welcome views from our members on the signing of utility warrants. These views should be sent by e-mail to secretary@scottishjustices.org

COPFS – Your Views Please

You should have received a separate e-mail from our Chairman requesting your views and opinions on the Crown Office Procurator Fiscal Service (COPFS). There has been recent publicity about the Justice Committee at Holyrood expressing concerns about the efficiency and effectiveness of the service and whether this was due to a lack of funding and resources. We all have direct personal knowledge of the COPFS service delivered in the JP Courts across Scotland and the SJA wish to make a comprehensive submission of JP views. The closing date for submissions is 19th October 2016, therefore the Chairman has requested that all comments are provided to secretary@scottishjustices.org by 7th October 2016. A copy of the SJA response will be posted on the SJA website in due course.

Changes to JP Training Requirements

By now you should have received notification from the Judicial Institute about the changes to the JP Training Requirements which are due to take effect from January 2017. Each Sheriffdom Training Committee has been asked to provide comments and responses to the

draft 2016 Order. Before these changes take effect you may wish to consider attending one of the JI Training Courses specifically for JP's and we have been advised that places are still available on the following courses:-

ROAD TRAFFIC

14 October 2016

Places are available on the JP Road Traffic course being delivered on 14 October 2016. The course will address the legal issues involved in road traffic offences and the substantive law in relation to exceptional hardship and special reasons proofs. It will be interactive and designed to enhance justices' knowledge and skills in this specialist area reflecting the range and type of road traffic cases which justices encounter.

COURTROOM COMMUNICATION

14 November 2016

This is an interactive workshop based course which aims to challenge participants to develop and improve key courtroom communication and management skills. The Institute works with VOX Coaching in delivering this course.

UNREPRESENTED ACCUSED

8 December 2016

Through scenarios and presentations, this course aims to provide Justices with skills to help them meet the challenges which arise when dealing with party litigants.

To apply for a place on any of these courses visit : <https://www.judicialhub.com/>

Out-Of-Hours Signing Duties

The Judicial Institute have recently introduced a new JP e-resource on the Judicial Hub on all aspects of Out-of-Hours signing duties. This is a new facility and we do hope to carry more information in the December edition of the '*Scottish Justice*'. You can of course visit the Judicial Hub at any time to consult this new facility.

JP Performance Statistics

At the most recent meeting of the SJA/SCTS Liaison Committee the most recent figures for the number of trials heard in JP Courts was provided, and these are detailed below for your information. It was surprising to some SJA Executive Committee members that the number of trials was lower this year to date than in the previous two years. It was also requested that

a further breakdown by individual Sheriffdom would be helpful and we do hope to have this information available for a future edition of the '*Scottish Justice*'.

JP - National figures	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17^{YTD}
Trials Called	12,765	19,127	17,214	16,286	15,287	18,339	20,035	5,953
Evidence Led trials	1,597	3,083	2,828	2,491	2,590	3,151	3,258	984
Average number Trials Called per month								
Average number Trials Called per month	1,064	1,594	1,435	1,357	1,274	1,528	1,670	1,488
Average number Evidence Led Trials per month								
Average number Evidence Led Trials per month	133	257	236	208	216	263	272	246

JP - National figures	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17^{YTD}
Complaints registered	56,758	67,966	58,423	54,295	67,767	66,819	54,856	13,922
Average number of Complaints per month								
Average number of Complaints per month	4,730	5,664	4,869	4,525	5,647	5,568	4,571	3,481

YTD - 1 April 2016 - 31 July 2016