

Scottish Justices' Association

Executive Meeting

Wednesday 20th January 2021, starting at 2:00 p.m.
Utilising Zoom Meeting Technology

Minutes

Present:	Grace MacLeod (NS) – Chair	Stuart Fair (TC&F) - Treasurer
	David Donaldson (TC&F) – Vice Chair	Sue Cook (L&B)
	Dennis Barr (G&S) - Secretary	Richard Scott (NS)
	Gordon Hunter (SSD&G)	John Lawless, (G&S)
	Phil Cropper (GH&I)	John Burns (L&B)
	Tom Finnigan, (NS)	Ashley Ward (TC&F)
	Scott Keir (SSD&G)	Robert Walsh (SSD&G)
	David Caddick (GH&I)	
Apologies:	Martin Morley (GH&I)	Sean Conner (G&S)

	<u>Agenda Item</u>	<u>Action</u>
1.	<p>Welcome and Apologies</p> <p>The Chair, Grace MacLeod welcomed everyone to the meeting.</p> <p>The Secretary confirmed that apologies for absence had been received from Martin Morley due to work commitments, and that Sean Conner hoped to join the meeting late, but in the event was unable to join the meeting, again due to work requirements.</p>	
2.	<p>Minutes of the Meeting held on 23rd November 2020</p> <p>The minutes were reviewed in detail and no amendments were noted, the minutes were then approved</p> <p>Proposed: John Burns Seconded: John Lawless</p>	
3.	<p>Matters Arising from the Minutes of the Meeting of 23rd November 2020</p> <p>It was agreed that in accordance with customary practice, where there were matters arising in the previous meeting that related to an agenda item on the present meeting, then the action would be noted within the agenda item in these minutes.</p> <p>(a) The Chair, Grace MacLeod confirmed the comments made in her report on the SJA/SCTS Liaison Meeting that with regard to procedural matters individual Sheriff-Principals could determine their own approach and were not constrained to ensure that a</p>	

	<p>consistent approach was taken. It was however noted that the Lord President could issue a directive to ensure that a consistent approach was adopted. Stuart Fair did raise concern about the inconsistent approach to handling the non-appearance of drivers who may be facing disqualification, and also raised the new issue of the resumption of the signing of utility warrants during the current pandemic. He advised that the Sherifffdom Legal Advisor in TC&F had recently circulated a procedure guideline for the handling of these warrants during the lockdown. It was noted that the procedure included the taking of the oath by the utility representative over the telephone, the competency of which should be questioned. Richard Scott supported the concept of a procedure in order that all JPs could follow these guidelines but also highlighted that Sheriffs had adopted a procedure for the remote signing of Police and mental health warrants. Scott Keir did question the validity of oath taking by telephone and also highlighted that the new procedures should include concerns about the quarantine arrangements for papers. It was agreed that Stuart Fair would circulate the TC&F procedures to other committee members. In addition it was agreed that copies of the procedures of each Sherifffdom would be sent to the Secretary who could review them and clarify where consistent arrangements needed to be included.</p> <p>(b) Phil Cropper confirmed that he had completed his action to try and encourage membership of the Association in GH&I and at least three new members had been recruited</p> <p>(c) The Secretary confirmed that the issue of JP expenses had been noted in the Annual Report issued by the Scottish Justice Committee and that a reply had been provided by the Justice Secretary. It was agreed that the Association would not pursue this matter at the present time, but would do so again when the courts resumed normal duties. There was no further update on the position of expenses for Magistrates in England & Wales.</p> <p>(d) The previous Chair, Gordon Hunter confirmed that he had provided a report of his experiences as Chair for inclusion in the next 'Scottish Justice'.</p> <p>(e) The Secretary confirmed that he had submitted a response on behalf of the SJA to the consultation on the Mandatory Retirement Age (MRA) for the Judicial Post Holders in Scotland. It was also noted that some members had submitted individual responses.</p>	<p>Stuart Fair/ Secretary</p>
<p>4.</p>	<p>Report from the Chair</p> <p>Grace MacLeod reported that she had no further significant information beyond the details of the SJA/SCTS Liaison Meeting held on 10th December 2020, which had been included in her report circulated prior to the meeting.</p> <p>It was noted that no correspondence for the SJA had been received.</p> <p>The Chair did note however that she is a member of the Scottish Medical and Legal Society and would circulate to members of the Executive Committee details of any relevant or interesting seminars or talks arranged by this Society. It was noted that some members had joined the talk on</p>	

	alcohol and judicial reform matters given by Dr. Ian Smith.	
5.	<p>Treasurer's Report</p> <p>The Treasurer advised that he had not prepared a financial report as there had been so little expenditure (only a Google invoice for the Association's website, and the monthly charge for the Zoom facility) and as had been reported at the last meeting the Scottish Government's grant of £5,000 had been paid to the Association.</p> <p>The Treasurer also advised that he still had not yet received approval of last year's accounts from AZETS. He recommended that if he had not received the approval he would cease use of their services and consider making a formal complaint to ICAS. Whilst Covid-19 has had an impact on their services they were not being customer responsive.</p> <p>It was agreed that the Treasurer should give AZETS to the end of January before terminating their work for the Association, and it was unanimously agreed that the Treasurer should advise them accordingly. The Treasurer also advised that he felt it would be prudent to select an alternative company to verify the Associations accounts for next year.</p> <p>Phil Cropper enquired whether we should proceed with the printing of the Annual Report and Accounts, if necessary with a covering statement to the effect that the accounts had not yet been signed off by the independent examiner, but that this was outwith the control of the SJA. It was agreed that we should follow this route in early February if AZETS had not met their deadline.</p> <p>It was agreed that independent external verification of the accounts was essential as we are handling public funds, but it was also recognised that the fee of £750 represented a significant proportion of the grant of £5,000.</p>	Treasurer
6.	<p>Membership Secretary's Report</p> <p>John Lawless reported that the current membership numbers by Sherifffdom are as follows:-</p> <p>G&S - 20 SSD&G – 54 TC&F – 40 NS – 42 GH&I – 29 L&B – 24</p> <p>Giving a total membership of 209. There are currently 243 JPs in Scotland according to the list shown on the Judiciary of Scotland website.</p> <p>John also advised that there were around 11 JPs who are due to retire this year, and there are currently no recruitment plans in any of the Sherifffdoms, therefore our membership is expected to show further reductions.</p> <p>David Caddick again noted that members had to actively join, and were not automatically granted membership upon coming a JP. Whilst there had been three new recruits from GH&I it did not fully reflect that seventeen new JPs had been recruited in the Sherifffdom. It was noted that due to the</p>	

	<p>pandemic restrictions no face-to-face meetings had been held in any of the Sheriffdoms and that this had hindered the potential recruitment of new members. Hopefully this could be addressed when Sheriffdom training events were re-established</p>	
<p>7.</p>	<p>SJA/SCTS Liaison Committee Meeting 10th December 2020</p> <p>Prior to the meeting the Secretary had circulated a copy of the report on the meeting as prepared by the Chair, Grace MacLeod. She did advise that SCTS had indicated that there were no plans to change or disband the JP Courts in Scotland. The SJA had highlighted the lack of training for JP Appraisers, and asked that the SCTS pursue this. She also advised that the SJA had shared their response to the MRA consultation with SCTS. In addition she confirmed that future Liaison meetings were scheduled for March, August and November this year, although dates had not yet been fixed.</p> <p>Richard Scott expressed his concern about poor communications from SCTS and the Sheriffdoms with JPs which he felt dis-respected the service that JPs provide. He elaborated on this view by explaining that he was called to a trials court but only to find that where there were co-accused on trial then due to the social distancing requirements they could not share the dock and the case had to be adjourned. This information that co-accused trials could not proceed had not been communicated to JPs. It was agreed that this issue would be raised by the Chair with Kay McCorquodale, Executive Director of SCTS.</p> <p>These comments gave rise to a broader discussion on the role of the JP service and a number of members expressed their feelings that JPs were not being given the respect that they deserved, and that there was a reduction in the motivation of a number of JPs. The example was given of the fact that training was given in a number of legal areas but cases were never or very rarely brought to the JP Courts was indicative of this lack of respect or recognition of the role of JPs.</p> <p>It was recognised that the restrictions imposed by the Covid-19 pandemic were having a negative impact on the work of all the courts and that when the social distancing rules were relaxed, and JPs had the opportunity to mix again, it would be easier to address the communication issues that we all face. It was essential that the work of the JP courts was seen as fully integral to the Scottish legal system, and that we should resist any measures to reduce the role and responsibilities of the JP service.</p>	<p>Chair</p>
<p>8.</p>	<p>Scottish JP Courts Lockdown</p> <p>It was noted that the Lord President had agreed to an adjournment of all summary cases across Scotland, except where the accused was in custody. This had come into effect on Tuesday 12th January, following an announcement the previous day. The decision was taken after medical advice recommended further restrictions following an increase in Covid-19 cases and the appearance of a new and apparently more virulent form of the virus.</p> <p>Prior to the meeting the Secretary had received an e-mail from a SJA member complaining about the short-notice given about the closure of the JP courts and the impact on them as they were self-employed and would</p>	

	<p>have difficulty in re-assigning work commitments. Whilst there was some sympathy expressed with our member it was also recognised that in the current pandemic the entire community was disadvantaged, and that the majority of people were working from home. It was noted that any claim for loss of earnings would have to be considered individually and on its own merits, and this would be subject to the interpretation of the expenses rules as applied by the Sheriffdom to each claim. Scott Keir helpfully advised that in the Tribunals service, where a tribunal was cancelled with less than 24-hours' notice, then Tribunal members would be eligible to make a claim for an Attendance Allowance. This was agreed to be a reasonable position to adopt for the interpretation of the JP expenses rules. The Secretary agreed to write to the SJA member concerned.</p>	Secretary
9.	<p>CMJA Annual Conference 2021.</p> <p>The Secretary confirmed that this years' CMJA Conference would be held in Accra, the capital of Ghana, between 12th -17th September, and that the theme is 'Access to Justice in a Modern World'. There was some doubt expressed as to whether the conference would go ahead this year and whether international air travel to Ghana would have re-commenced by then. It was agreed therefore that it would be too early to decide on whether to send a delegate or not.</p> <p>Some members expressed concern about the cost and value of attending the CMJA Conference, particularly in light of the large proportion of the SJA grant that it would consume. The Treasurer however confirmed that the Scottish Government has given an assurance that exceptional expenditure such as conference attendance would be considered and funded separately from the SJA grant.</p> <p>David Caddick enquired whether the conference could be held remotely this year due to all of the global restrictions that are in place. It was agreed that the Secretary would pursue this option.</p> <p>The Chair also noted that the CMJA had circulated a member's survey. The Secretary agreed to complete this and submit it to the CMJA on behalf of the Association. In addition the Secretary advised that the survey enquired whether we would be willing to submit an article for the CMJA magazine. The Secretary was of the opinion that we could potentially submit an article on the training of Lay Justices in Scotland. This would highlight the facilities provided by the Judicial Institute and how this is interwoven with local training. It was agreed that the Secretary would raise this possibility with the Head of Communications in the Judicial Institute.</p>	<p>Secretary</p> <p>Secretary</p> <p>Secretary</p>
10.	<p>ENALJ</p> <p>Prior to the meeting the Secretary had circulated recent correspondence received from ENALJ (European National Associations of Lay Justices). The primary concern of ENALJ at present is to highlight the need for lay justice training in the EU. The Secretary proposed that for the time being we simply keep a watching brief on the work of ENALJ and get more actively involved on issues where and when we felt it appropriate. The Secretary agreed to continue to circulate information received from ENALJ.</p>	Secretary
11.	<p>'Scottish Justice'</p> <p>Phil Cropper advised that he did have Gordon Hunter's article for the next</p>	

	<p>edition of the '<i>Scottish Justice</i>', however more articles were required. Phil asked all members to try and secure articles from their own Sheriffdom, including views from new JPs as well as those with several years' experience. Tom Finnigan did volunteer to provide an article covering his many years as a JP and with specific reference to supporting the Police service at Faslane.</p> <p>It was agreed that the next edition of the '<i>Scottish Justice</i>' should be ready for issue by the end of March.</p>	Tom Finnigan
12.	<p>AOCB</p> <p>(i) Tom Finnigan advised that he was expecting a communication from the North Strathclyde Sheriffdom Legal Advisor regarding the signing of utility warrants in the Sheriffdom. This was expected the following day, and he would address any issues that may arise.</p> <p>(ii) John Lawless advised that all SJA Executive Committee meeting minutes were published in the public area of the Association's website once they had been approved.</p>	
13.	<p>Date of Next Meeting</p> <p>The Secretary advised that some Executive Committee members were having difficulty attending meetings during normal working hours due to their work commitments. After discussion it was agreed that the next meeting would be held in the evening commencing at 7:00pm. The date for the next meeting was agreed as Wednesday 24th March 2021 and the Secretary is to send out the appropriate Zoom joining details to all members.</p>	Secretary

Dennis Barr JP
Secretary
26th January 2021