

# Scottish Justices' Association

## Executive Meeting

Wednesday 24<sup>th</sup> March 2021, starting at 7:00 p.m.  
Utilising Zoom Meeting Technology

## Minutes

<b>Present:</b>	Grace MacLeod (NS) – Chair	Stuart Fair (TC&F) - Treasurer
	David Donaldson (TC&F) – Vice Chair	David Caddick (GH&I)
	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)	Sean Connor (G&S)
	Robert Walsh (SSD&G)	
<b>Apologies:</b>	Martin Morley (GH&I)	Sue Cook (L&B)
	Ashley Ward (TC&F)	Scott Keir (SSD&G)

	<u>Agenda Item</u>	<u>Action</u>
1.	<b>Welcome and Apologies</b>  The Chair, Grace MacLeod welcomed everyone to the meeting.  The Secretary confirmed that apologies for absence had been received from Martin Morley and Ashley Ward who were both unwell and that Scott Keir advised that he could not attend due to work commitments. Sue Cook had advised at the end of the last meeting that she would be unable to attend this meeting due to domestic commitments.	
2.	<b>Minutes of the Meeting held on 20<sup>th</sup> January 2021</b>  The minutes were reviewed in detail and Sean Connor asked if his surname could be amended to its correct spelling of Connor rather than Conner. With this amendment the minutes were approved  Proposed: John Burns Seconded: Tom Finnigan	
3.	<b>Matters Arising from the Minutes of the Meeting of 20<sup>th</sup> January 2021</b>  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.  (a) The Secretary advised that the concerns the SJA had discussed at the last meeting about the signing of utility warrants were raised in writing with SCTS. No clear response as to the timing of the	

resumption of utility warrant signing in the middle of a lockdown, compared with the limited lifting of restrictions during the autumn period, had been received. It was evident however that both SCTS and the Utility Companies were keen to resume warrant approvals. The Secretary also confirmed that contact had been made with the Electricity Association and they advised that their members were all aware that they could not enter domestic premises for any reason to exchange meters in Scotland prior to 26<sup>th</sup> April. This information had been circulated to all SLAs and they should advise JPs of this arrangement prior to putting a utility company representative on oath. The Secretary also advised that the question of putting utility company representatives under oath remotely by telephone had been raised. He reported that the Sheriff-Principal for Glasgow & Strathkelvin had confirmed that this proper procedure and should be adopted in the current circumstances. Stuart Fair did again raise concern about this approach and stated that he had been unable to identify the specific Covid-19 legislation which granted this approval. He also felt that this was a disproportionate way to treat JP oath arrangements when compared to Sheriffs taking Police oaths over a secure video link. The Chair confirmed that she had raised the matter at the SJA/SCTS Liaison Committee, but that we had clear and unequivocal guidance from SCTS that the taking of oaths by telephone by utility company representatives was legal, therefore we should proceed in line with the agreed procedure that every SLA now had.

- (b) The Treasurer confirmed that the AZETS contract had been terminated and the details were given in his report, which had been previously circulated.
- (c) The Chair confirmed that she had raised the issue of the cancellation of JP trials involving co-accused with SCTS at the Liaison meeting and had been advised that this decision had been taken by SCTS in discussion with COPFS, additionally, in the present circumstances no co-accused trial would be held unless they were from the same household. Richard Scott thanked the chair for this clarity but his main concern was that this decision was made without any information being passed to JPs. It was this lack of courtesy and respect to JPs that constituted the real issue. The Chair did advise that this feeling had been conveyed to SCTS staff in the Liaison meeting.
- (d) The Secretary confirmed that he had written to the JP who had raised the issue of the inability to claim for any loss of earnings if a JP Court was cancelled at short notice. The Chair advised that she had also raised this issue with SCTS at the Liaison meeting and asked for a copy of the procedure for the ratification of expenses..
- (e) The Secretary advised that he had circulated confirmation from CMJA that this year's Annual Conference would be held remotely using electronic conference technology. No details were yet available about the conference content or how members could join any particular topic. The Secretary agreed to circulate details as soon as they become available.

In addition the Secretary advised that the CMJA had agreed that an article on the training of lay justices in Scotland would be suitable

Secretary

	<p>for inclusion in their quarterly magazine, the Commonwealth Judicial Journal (CJJ). As a result the Secretary had written to both the Lord President and the Director of the Judicial Institute seeking their support, which had been given. The CJJ have asked for the article to be ready by 1<sup>st</sup> October this year, for publication in the December issue. The Secretary advised that he hoped the article would highlight the value that properly trained lay justices has for the Scottish legal system. He also agreed to circulate drafts of the article to Executive Committee members for comment.</p> <p>(f) The Secretary advised that the only recent communication from ENALJ related to responses to an EU request for lay justice standards on ethical behaviour. As this was an EU initiative the Secretary felt it would be inappropriate for the SJA to respond. This was agreed.</p> <p>(g) Tom Finnigan confirmed that he had prepared and submitted an article for the next edition of the '<i>Scottish Justice</i>' on supporting the MOD Police at Faslane.</p>	Secretary
4.	<p><b>Report from the Chair</b></p> <p>Grace MacLeod spoke to the details of the SJA/SCTS Liaison Meeting held on 23<sup>rd</sup> March 2021, which were in her report circulated prior to the meeting.</p> <p>It was noted that the SJA Office Bearers had held a meeting on 2<sup>nd</sup> February prior to making a formal approach to SCTS about the signing of utility warrants. This matter was covered earlier.</p> <p>The Chair also advised that she had built up a good communication channel with Kay McCorquodale, Executive Director of SCTS, so that all relevant information could be exchanged outwith formal meetings.</p> <p>The Chair also confirmed that SCTS at the Liaison meeting had advised that it was planned to follow the lead of England &amp; Wales and increase the Mandatory Retirement Age for the Scottish Judiciary to 75 years of age, however, due to the fact that legislation would have to be passed it was not expected to become effective until a date in 2022. The Secretary advised that this issue was of great interest to all of our members and enquired whether we could advise all of our members of this in the next edition of the '<i>Scottish Justice</i>'. Given the potential sensitivity of this information the Chair agreed to write to Kay McCorquodale to establish what, if anything, could be published at this juncture.</p>	Chair
5.	<p><b>Treasurer's Report</b></p> <p>The Treasurer confirmed that he had circulated a financial report in advance of the meeting. He advised that as at 24<sup>th</sup> March the Association had £8,733 in the bank. Due to the limited expenditure anticipated this year due to the lack of face-to-face meetings and the cancellation of all conferences, the expectation was that the Association's reserves by the end of the year would be in the region of £7,900.</p> <p>The Treasurer also advised that he had included a provision of £1,500 into this years projected expenditure to cover the costs of an external examination of the SJA accounts, for two years 2019/2020 and 2020/2021</p>	

	<p>as AZETS had failed to undertake the review for 2019/20. He also confirmed that he had terminated the agreement with them as agreed at the last SJA Executive committee meeting. He did advise that all SJA papers had been returned by AZETS.</p> <p>In response to a question the Treasurer advised that he did not have any replacement organisation presently identified for the independent examiner function. The Chair advised that SCTS had suggested that they could possibly help identify a suitable replacement organisation. Both the Treasurer and immediate past Chair, Gordon Hunter stressed the importance of having a fully independent and transparent review of the accounts. The Chair did however agree to contact SCTS to establish if they could assist with identifying some potential candidate organisations who were totally independent.</p> <p>The Treasurer also advised that the appointment of the independent examiner was subject to agreement from the Association at the AGM. The Secretary did advise that a Special General Meeting could be called under the terms of the constitution to ratify any proposal on the appointment of an examiner. After discussion however it was agreed to carry this forward to the next AGM.</p>	<p>Chair</p> <p>Secretary</p>
<p><b>6.</b></p>	<p><b>Membership Secretary's Report</b></p> <p>John Lawless reported that the current membership numbers by Sheriffdom are as follows:-</p> <p>G&amp;S - 20  SSD&amp;G – 54  TC&amp;F – 40  NS – 42  GH&amp;I – 29  L&amp;B – 24</p> <p>Giving a total membership of 209, the same as at our last meeting in January. 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 are 23 JPs who will reach the age of 70 in the next year, and that there were some members who were already over 70.</p> <p>The potential change to the Mandatory Retirement Age for JPs could well have a significant impact on retaining membership numbers.</p> <p>In response to a question the Secretary advised that the Head of Judicial Communications was responsible for updating the list of JPs on the Judiciary of Scotland website, but that she was reliant on information being passed on from all six Sheriffdom SLAs.</p>	
<p><b>7.</b></p>	<p><b>SJA/SCTS Liaison Committee Meeting 23<sup>rd</sup> March 2021</b></p> <p>As indicated earlier the Chair had circulated a copy of the report on the meeting and that most of the points covered in the meeting had been discussed earlier.</p> <p>In addition, however, the Chair added that she had expressed the feelings of many JPs that they were not being given the respect that they deserved,</p>	

	<p>by the SCTS and other organisations in the legal community. SCTS advised that they would seek to inform JPs and the SJA on any future changes which would impact on them.</p> <p>The Chair also advised that SCTS were told by the Judicial Institute that Appraiser Training was not a responsibility of the Judicial Institute. In addition Anne Kinsella had been appointed interim head of the JP Education Programme.</p> <p>The Chair advised that the matter of the re-opening of the JP Courts on 7<sup>th</sup> June was also raised with SCTS, and this is covered in the next agenda item.</p>	
<b>8.</b>	<p><b>Scottish JP Courts Re-Opening 7<sup>th</sup> June 2021</b></p> <p>It was noted that the Lord President had circulated information to all courts and to the media concerning the re-opening of the Scottish Courts, and in particular that JP Courts would not re-open until Monday 7<sup>th</sup> June. This had been raised with SCTS who had advised that this delay was due to having to prioritise staff availability and processes, and that the High Court and Sheriff Courts had been given priority. SCTS had also identified their expectation that it would take until 2024 before the current backlog of JP cases could be dealt with.</p> <p>A number of members expressed their disquiet with this decision given that a full retail re-opening was scheduled for 26<sup>th</sup> April. Whilst it was recognised that some staff in SCTS had been furloughed, there was a lack of clarity about what resources were being prioritised.</p> <p>It was acknowledged that we were not able to realistically question this decision, but some members did feel it exacerbated the feeling of a lack of respect for JPs.</p>	
<b>9.</b>	<p><b>Review of SJA 'Aims and Objectives'</b></p> <p>The Chair had requested that this item be added to the agenda as she felt it was an appropriate time to review the aims and objectives of the Association. She believed that we should consider what is the vision of the Association, and whether we should develop a mission statement about our goals. The full meeting did agree that it was a good proposal and that it should be considered in more detail.</p> <p>It was felt that the most appropriate way forward for this would be to set up a small working group to develop detailed changes that could be incorporated into our constitution. In response to a request for volunteers for this working group Phil Cropper, Sean Connor, Richard Scott and David Caddick all agreed to work with the Chair and present proposals to the next meeting. The Secretary agreed to set up zoom meetings to facilitate this work.</p>	Working Group
<b>10.</b>	<p><b>CMJA Annual Conference 2021.</b></p> <p>As previously covered the Secretary confirmed that this years' CMJA Conference would be held remotely but as yet no details of the content of the conference or how members could join the event had been circulated. The Secretary would circulate details to all committee members once they become available.</p>	

	The Secretary reiterated that he would circulate drafts of the article on the training of lay justices in Scotland, when available.	
<b>11.</b>	<b>'Scottish Justice'</b>  Phil Cropper advised that he did have articles from Gordon Hunter and Tom Finnigan for the next edition of the ' <i>Scottish Justice</i> ' and that it was ready for publication. It was agreed that if possible some comment on the Mandatory Retirement Age for JPs would be included as it was a topic of considerable interest. The Chair would confirm the position, and it was planned to issue the next edition with the next ten days.	Chair/Phil Cropper
<b>12.</b>	<b>AOCB</b>  (i) The Secretary advised that he felt that it was time to appoint an Election Sub-Committee to handle the election of SJA Executive Committee members for 2021. Whilst the appointments would not be completed until the next AGM, which is expected in November, it was necessary to have an Election Sub-Committee identified to commence the work in the early summer months. It was noted that a member with experience of the election process would be helpful, particularly as chair of the sub-committee. John Burns agreed to be the chair of the sub-committee and Richard Scott and John Lawless agreed to assist. Again the Secretary advised that he would be pleased to facilitate zoom meetings for the sub-committee.	
<b>13.</b>	<b>Date of Next Meeting</b>  The Secretary suggested that the next meeting should be a zoom meeting but that we consider at that point the possibility of having a full face-to-face meeting in the late summer. It was noted that we would also need a meeting in early October to establish that arrangements for the AGM were in hand. This was agreed by the committee and it was further agreed the next meeting would be held in the afternoon. Accordingly the next meeting will be a zoom meeting on Thursday 27 <sup>th</sup> May 2021 commencing at 2:00pm.	Secretary

Dennis Barr JP  
Secretary  
8<sup>th</sup> April 2021