

## Justice Committee

### Correspondence from the Scottish Courts and Tribunals Service

I refer to your request for information in relation to shrieval resources and overall financial costs. In short, the introduction of summary sheriffs will reduce the costs associated with managing the business in the Sheriff Courts.

Paragraphs 33-61 of the Financial Memorandum to what became the Court Reform (Scotland) Act 2014 (the 2014 Act) set out the basis on which summary sheriffs would be introduced ([http://www.parliament.scot/S4\\_Bills/Courts%20Reform%20\(Scotland\)%20Bill/b46s4-introd-en.pdf](http://www.parliament.scot/S4_Bills/Courts%20Reform%20(Scotland)%20Bill/b46s4-introd-en.pdf)). It remains our expectation, as set out in paragraph 42 that the eventual number of existing post that would become summary sheriffs will be about 60. However for the reasons set out in the memorandum, the precise number cannot yet be confidently predicted. It may take until 2025 for sufficient sheriffs to have retired to enable the 1 to 1 replacement of sheriffs to summary sheriffs to reach this number. Over that time the mix of business in the sheriff court may change. This may see a need for more or less posts being converted to summary sheriff. Finally the decision as to whether a post needs to be filled by a sheriff or summary sheriff when it becomes vacant is one for the Lord President consulting the relevant sheriff principal. That decision will be informed by the need for the Lord President to ensure the efficient disposal of business in the Scottish courts.

Before the office of summary sheriff came into being there were 142 sheriff posts and 4 stipendiary magistrate posts. In addition to the salaried complement of sheriffs provision has always been made each year to meet the costs of providing a certain number of fee paid part-time sheriffs. For some years this has been capped at 3100 days (which is equivalent to 15 full time sheriff posts). The total effective judicial complement before reform was therefore 161 posts. No increase to this number will be made as a result of the introduction of summary sheriffs

On 1 April 2016 four stipendiary magistrates became summary sheriffs (in accordance with section 128 of the 2014 Act). A further 11 summary sheriffs were appointed. In the next tranche of appointments a further 8 will be appointed to replace posts vacated by retiring sheriffs. This means that we are running slightly ahead of the planning assumption in paragraph 42 of the Financial Memorandum.

Separately, in accordance with the recommendations in paragraphs 30-37 of Chapter 4 of the Scottish Civil Courts Review (<https://www.scotcourts.gov.uk/docs/default-source/civil-courts-reform/report-of-the-scottish-civil-courts-review-vol-1-chapt-1---9.pdf?sfvrsn=4>) a move is being made to reduce the reliance on fee paid part-time sheriffs (who are paid at a per diem rate based on a sheriff's salary) to salaried summary sheriffs. No new appointments of part time sheriffs have been sought by the Lord President since 2012. The next tranche of summary sheriff appointments shortly to be made will see 10.6 FTE appointments being made in place of the use of fee paid days (not all of those being appointed will be working on a full-time basis). This conversion from using part time sheriffs to summary sheriffs will also achieve the policy aim of matching better the complexity of the work to be done to judicial tier. It will also provide an immediate

per diem saving of £123, which will rise to £170 when part time sheriffs are included in a judicial pension scheme which is expected to be at some point during 2017 (this is a matter for the UK and Scottish Government to finalise and not something within SCTS control).

It follows that there is not any additional cost to the system by the introduction of summary sheriffs. The projected savings set out in the Financial Memorandum continue to be broadly right.

SCTS

12 January 2017