



The Scottish Parliament  
Pàrlamaid na h-Alba

## JUSTICE COMMITTEE

### AGENDA

12th Meeting, 2019 (Session 5)

Tuesday 23 April 2019

The Committee will meet at 10.00 am in the Mary Fairfax Somerville Room (CR2).

1. **Subordinate legislation:** The Committee will take evidence on the Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) etc. Amendment Order 2019 [draft] from—

Humza Yousaf, Cabinet Secretary for Justice, Walter Drummond-Murray, Courts and Tribunals Policy Officer, and Jo-Anne Tinto, Directorate for Legal Services, Scottish Government.

2. **Subordinate legislation:** Humza Yousaf (Cabinet Secretary for Justice) to move—

S5M-16769—That the Justice Committee recommends that the Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) etc. Amendment Order 2019 [draft] be approved.

3. **Management of Offenders (Scotland) Bill:** The Committee will consider the Bill at Stage 2 (Day 2).
4. **Justice Sub-Committee on Policing:** The Committee will consider a report back from the Sub-Committee meeting held on 4 April 2019.
5. **Decision on taking business in private:** The Committee will decide whether its consideration of a draft report on Brexit subordinate legislation should be taken in private at future meetings.

**J/S5/19/12/A**

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The papers for this meeting are as follows—

**Agenda items 1 and 2**

Paper by the clerk - Draft SSI

J/S5/19/12/1

**Agenda item 4**

Paper by the clerk - Justice Sub-Committee on Policing

J/S5/19/12/2

## Justice Committee

12<sup>th</sup> Meeting, 2019 (Session 5), Tuesday 23 April 2019

### Subordinate legislation

#### Note by the clerk

#### Purpose

1. This paper invites the Committee to consider the following affirmative instrument:

- [Justice of the Peace Courts \(Sheriffdom of South Strathclyde, Dumfries and Galloway\) etc. Amendment Order 2019 \[draft\]](#)

#### Introduction

2. The instrument is made under section 59(6)(a) of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007(a).

3. The Order amends the Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) etc. Order 2009 to effect the relocation of the justice of the peace court for the sheriff court district of Airdrie from Coatbridge to Airdrie.

4. Further details on the purpose of the Order can be found in the policy note attached at **Annexe A**.

#### DELEGATED POWERS AND LAW REFORM COMMITTEE CONSIDERATION

5. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on 26 March 2019 and agreed that it did not need to draw it to the attention of the Parliament on any grounds within its remit.

#### JUSTICE COMMITTEE CONSIDERATION

6. The Justice Committee is required to report to the Parliament on the instrument by 13 May 2019. The Minister for Community Safety has lodged motion S5M-16769 proposing that the Committee recommends approval of the instrument. The Cabinet Secretary for Justice is due to attend the meeting on 23 April to answer any questions on the instrument and to move the motion for approval.

7. It is for the Committee to decide whether or not to agree to the motion, and then to report to the Parliament by 13 May 2019. Thereafter, the Parliament will be invited to approve the instrument.

**8. The Committee is asked to delegate to the Convener authority to approve the report on the instrument for publication.**

## Policy Note

### Justice of the Peace Courts (Sheriffdom of South Strathclyde, Dumfries and Galloway) etc. Amendment Order 2019 [draft]

#### Purpose of the instrument

The purpose of the instrument is to grant authority for the relocation of Coatbridge JP Court to premises nearby in Airdrie.

#### Background

The 2007 Act created powers and procedures to establish, disestablish and relocate courts of summary criminal jurisdiction, known as justice of the peace (JP) courts. Where a JP court is to be relocated, the legislation requires that first a proposal is submitted to Scottish Ministers from the SCTS with the agreement of the Lord President. Before submitting a proposal to the Scottish Ministers, the SCTS must consult such persons as it considers appropriate. Following consideration of the proposal Scottish Ministers may make an Order only with formal consent of both the Lord President and SCTS.

#### Policy Objectives

Whilst the statutory obligations require a high level of consultation and consideration, in this case the proposal is fairly modest, and entails moving Coatbridge Justice of the Peace Court 1.4 miles from its current location to a building opposite Airdrie Sheriff Court. The relocation would co-locate the JP Court with the Crown Office and Procurator Fiscal Service (COPFS) in Graham Street, Airdrie and provide a modern, purpose-built courtroom facility with improved and accessible facilities for court users. The current Coatbridge facility, leased from North Lanarkshire Council, requires urgent investment in priority repairs and the SCTS identifies savings in opting to invest in the new building right across the street from the existing Sheriff Court. The Order comes into force on 8 June 2019 when the relocation will take effect.

#### Consultation

SCTS undertook formal consultation on the proposal as required by the 2007 Act. All responses were supportive and acknowledged the proposed relocation is “positively welcomed and should lead to an improvement in the services provided”, will have a “positive effect on the administration of justice” and will result in “improved Court facilities for JPs, Court officials and the general public”. No further impact assessment is therefore considered necessary.

Technical engagement on the drafting of the Order has been had with the Lord President’s Private Office and SCTS. Formal consent for the Order to be made has been received from both the Lord President and SCTS.

## **Financial effects**

The Order will not have any significant financial effects on the Scottish Government, local government or on business. As with any relocation there may be winners and losers with regard to travel costs. In this instance the costs are considered to be modest due to the provision of convenient public transport. SCTS has committed to establish a local transitional arrangements group to consider, plan and deliver a successful relocation with justice partners and stakeholders.

**Justice Committee**

**12th Meeting, 2019 (Session 5), Tuesday 23 April 2019**

**Feedback from the Justice Sub-Committee on Policing**

**Note by the clerk**

1. On 4 April 2019, the Justice Sub-Committee on Policing met in private to consider a draft report on its scrutiny of Police Scotland's proposals to introduce digital device triage systems (also known as Cyber Kiosks) into Scotland. The Sub-Committee also considered its work programme.
2. The Sub-Committee agreed its report on Cyber Kiosks, and this was published on Monday 8 April 2019 as the [Justice Sub-Committee on Policing 1st Report, 2019 \(Session 5\): Report on Police Scotland's proposal to introduce the use of digital device triage systems \(cyber kiosks\) \(SP Paper 512\)](#). A copy of the report was provided to Members of the Justice Committee for their information.
3. The Sub-Committee has requested a written response from the Scottish Government, to its findings and recommendations in this report, by 3 June 2019.
4. The Sub-Committee also considered its work programme up to the start of the 2019 summer recess. The Sub-Committee agreed to meet on 9 May 2019, when it plans to take further evidence on the findings and recommendations in its Cyber Kiosk report from Police Scotland and the Scottish Police Authority. The Sub-Committee also agreed to meet on 30 May 2019 to take evidence from the Cabinet Secretary for Justice on its Cyber Kiosk report.
5. Finally, the Sub-Committee agreed to meet on Thursday 20 June 2019, to begin taking oral evidence on its pre-budget scrutiny on the Scottish Government's Draft Budget for 2020/21. The Sub-Committee agreed to focus its pre-budget scrutiny on the requirements for the policing capital budget for 2020/21.

Committee clerk  
18 April 2019