



**Unite Consultation Response:**

**Delivering a Unified Courts Administration in  
Tayside, Central & Fife Sheriffdom**

## **Introduction**

Unite – the Union represents around 200,000 working people and their families throughout Scotland. We are the UK’s largest trade union with 2 million members in a range of industries including transport, energy, construction, financial services, manufacturing, print and media, the voluntary and not-for-profit sectors, local government and the NHS.

Unite’s representation services cover a range of issues, both inside and outside the workplace. We help with personal injury claims, employment matters, wills, conveyancing and many other legal issues. However, access to justice in Scotland is not only crucial to our members from the employment perspective but also from the personal and social perspective too. An accessible and affordable justice system is vital to the interests of our members and their families, not only in their employment but also their everyday lives.

## **Unified Court Administrations**

The Scottish Court Service (SCS) have stated that their proposals for the Tayside, Central and Fife Sheriffdom are based on the principle to co-locate wherever possible the new Justice of the Peace Courts within adapted sheriff court buildings in the same towns and cities. According to the SCS, the rationale for this is the advantage of providing integrated services, a single contact point for all court users and a greater clarity in terms of management and accountability for court services.<sup>1</sup>

Unite has previously made clear its concerns about the justice reform proposals put forward by the Scottish Government and we will take this opportunity to reiterate these concerns once again. The drive for efficiency

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<sup>1</sup> BBC News, ‘Shake-up for district court cases’, 29<sup>th</sup> June 2008  
[http://news.bbc.co.uk/1/hi/scotland/tayside\\_and\\_central/7477402.stm](http://news.bbc.co.uk/1/hi/scotland/tayside_and_central/7477402.stm)

and economic savings should not compromise access to justice in any way nor have a detrimental impact on jobs and conditions.

*It's a very real possibility that the proposed reforms in Scotland will create a two-tier justice system of those that can afford to pay for justice and those that can't.*

We are sensitive to the potential 'trojan horse' effect of district court unification in Scotland that could erode the ability of our members to access justice on all manner of legal issues. Also, like any other down-sizing process, the unification of district courts can lead to job losses and we are particularly sensitive to the impact this could have on both members of Unite and other trade unions employed within the Scottish legal system.

### **Civil Justice Reform Proposals**

Unite is also concerned about the impact court unification could have on access to justice in tandem with the proposed changes to the civil justice system by the Scottish Government.

The Scottish Government through the SCS, has taken steps towards a declared objective in the next few years of making Scottish citizens pay for the court when they use them. The Scottish Government intend to radically increase civil court fees from the current 30% to 80% by 2011, with the likelihood of progressing to 100% cost recovery thereafter.

Fee orders have been placed before the Scottish Parliament by negative instrument. With the strict financial limits on legal aid, the number of those eligible for exemption will be few. The impact on claimants will be especially severe for those on low incomes just above the threshold for legal aid. The number of civil legal aid grants have sharply declined over the last few years.

It is common practice for solicitors to initially fund clients' court fees prior to issuing proceedings. If fees are increased, pursuers may find their solicitor unable to pay their court fees because of the recent increase, leaving the individual to either pay the fees himself/herself or refrain from taking his/her case to trial.

The Scottish Government's objective of full costs recovery is opposed by bodies including:

- The Lord President of the Court in Session
- Faculty of Advocates
- The Law Society of Scotland
- Scottish Consumer Council
- STUC

*Unite is wholly opposed to making Scottish citizens pay more for justice in the civil courts. Our members, like everyone else - except the very well off – will be vulnerable to having to pay a lot more at a time when they can least afford it.*

## **Concluding Remarks**

Unite believes that everyone must have equal access to the justice system in Scotland. The Scottish Government's proposals for civil justice reform in Scotland will undoubtedly erode this principle. Whether the delivery of unified court administrations will build further barriers to justice remains to be seen. We would hope that the SCS's rhetoric of integration does not result in the reality of an inaccessible justice system.

In the interim, Unite will continue to campaign with its trade union and political affiliates and pressure the Scottish Government to ensure that we have a justice system in Scotland which delivers for its people and protects the terms and conditions of those who are employed within it.

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