



SCOTTISH EXECUTIVE

Minister for Justice
Cathy Jamieson MSP

St Andrew's House
Regent Road
Edinburgh EH1 3DG

Mr Robin MacEwen
Secretary and Hon Director
The Howard League for Penal Reform
in Scotland
2 Barnton Gardens
Edinburgh
EH4 6AF

Telephone: 0131-556 8400
scottish.ministers@scotland.gsi.gov.uk
<http://www.scotland.gov.uk>

Our ref: 2003/0016713

26 August 2003

Dear Mr MacEwen

Thank you for your letter of 22 July. I found your comments both interesting and informative. I am encouraged that you share the Executive's vision to improve the quality of justice delivered by our courts. I am also encouraged that your Executive Committee consider helpful many of the changes proposed by Lord Bonomy, being taken forward by the Executive in our White Paper "Modernising Justice in Scotland: The reform of the High Court of Justiciary". I note that notwithstanding this you have some concerns regarding our proposals in relation to the increase in the sentencing powers of sheriffs and our alteration to the current operation of the 110-day rule.

In "A partnership for a better Scotland" the Executive said that it would legislate to reform the operation of the High Court. Our proposals seek to modernise the practices and procedure of the High Court with a better managed system, where once the defence are fully prepared, trials are a fixed and certain event. Modernising existing time limits is part of that process. We believe firm time limits are a crucial safeguard in our justice system. That is why we are proposing to make no change to the 80-day limit. Further we propose to enable those accused who are in a position to proceed to trial to accelerate the preliminary hearing to secure an early trial diet. The operation of the rule under our proposals will affect mainly those who intend to go to trial. Current research indicates that the time limit is extended in a significant number of cases, and around 50% of those cases eventually go to trial. In the majority of those cases the reason forwarded for an adjournment was that more time was required for defence preparation.

We are seeking to introduce a package of measures that provides a workable solution to meet the needs of those the justice system serves. It will address the current cycle of repeated adjournments and extensions as to when the trial will begin, with the associated inconvenience and lack of certainty for victims.

I also note your comments with regard to the setting up of a sentencing commission, as described in the partnership agreement, the League's hopes about the need for better guidance to sentencers and its views on the possible increase to the sheriffs' powers of imprisonment.

The Executive is fully committed to reforming the court and legal systems. When set up, the judicially led Sentencing Commission will review all aspects of sentencing and make recommendations on a number of specific topics e.g. the use of bail and remand, the basis on which fines are determined, the effectiveness of sentences in reducing re-offending, the scope to improve the consistency of sentencing, the arrangements for early release from prison; and supervision of short term prisoners on release.

I hope this is helpful.

Best Wishes

Cathy Jamieson

CATHY JAMIESON