

EQUALITY IMPACT ASSESSMENT - RESULTS

Title of Policy	The Judiciary and Courts (Scotland) Act 2008 (Scottish Land Court) Order 2017
Summary of aims and desired outcomes of Policy	The policy is to transfer the Scottish Land Court from the Scottish Government to the Scottish Courts and Tribunals Service
Directorate: Division: team	Justice Directorate, Civil Law and Legal System Division, Judicial Appointments and Sponsorship branch

Executive summary

This EQIA relates to an Order to transfer the Scottish Land Court, which is currently the responsibility of the Scottish Government, to the Scottish Courts and Tribunals Service (STCS) under the headship of the Lord President. This transfer is planned to take place on 1 April 2017.

The five members of staff of the Scottish Land Court are currently employed by the Scottish Government. It is intended that the staff will transfer to the SCTS with the exception of the Principal Clerk who is a lawyer and who will remain on secondment from the Government Legal Service for Scotland.

The four members (including Deputy Chairman) of the Scottish Land Court will be brought under the remit of the Lord President for the purposes of training, welfare, guidance and discipline (but not fitness for office which will remain the responsibility of Scottish Ministers).

There will be no change of physical location for the members or staff. The Land Court and its offices will remain where it is currently situated in George Street, Edinburgh.

Background

Following the Judiciary and Courts (Scotland) Act 2008, the then Scottish Court Service was established as a non-Ministerial Department in 2010 with the function of providing administrative support to the Scottish courts, the judiciary of those courts and certain other specified persons. The Scottish Land Court was not transferred to the Scottish Court Service then, but the intention was to take forward this transfer at an appropriate point in time.

Subsequent legislation created a merged organisation, known as the Scottish Courts and Tribunals Service (SCTS), to provide administrative support for both the courts and the Scottish Tribunals. From 1 April 2015, the responsibility for administering the tribunals for which Scottish Ministers previously had responsibility was transferred to the SCTS, including the Lands Tribunal for Scotland.

It is now the appropriate time to transfer the Scottish Land Court to the SCTS who will then have responsibility for the staff and services of the Scottish Land Court.

The opportunity is being taken to bring the offices of member and Deputy Chairman of the Scottish Land Court under the remit of the Lord President for the purposes of training, welfare, guidance and discipline (but not fitness for office which remains the responsibility of Scottish Ministers).

The Scope of the EQIA

A written consultation was carried out by the Scottish Government on the basis of the proposals and draft of the Order. The consultation was targeted at those with an interest in the business of the Scottish Land Court, including solicitors firms involved in agricultural work, land agents and other farming and crofting contacts.

Key Findings

No issues were raised in the consultation or in the EQIA process which has identified any impacts for any of the protected characteristics.

Recommendations and Conclusion

Our assessment is that this Order does not give rise to any equality issues.