



glasgow bar association  
established 1959

Room 1.29  
Glasgow Sheriff Court  
1 Carlton Place,  
Glasgow  
G5 9DA

1<sup>st</sup> April 2020

**The Executive Committee of the Glasgow Bar Association**

**Statement in relation to the Scottish Government's Proposed  
Coronavirus (Scotland) Bill**

We acknowledge that the Coronavirus pandemic has had and will have far reaching consequences for Scotland. Our members are at the forefront of representing the interests of the most vulnerable members of society, preserving the Rule of Law and ensuring that our Government and the State is held to account in the operation of the justice system, maintaining civil liberties and preserving human rights.

We acknowledge that the justice process is being severely impacted by the pandemic and that the health of the Scottish people must be our priority. However, a rush to legislation will not serve our country well. We believe that the current exceptional circumstances should not be used as a back door to railroad through proposals that have already been considered and rejected by those involved in the Justice System.

The major focus in our submission is that the legislation is disproportionate to the circumstances faced, with the technology already in place to deal with many matters administratively and by use of videoconferencing. The swingeing movement of timescales is completely arbitrary, moving many processes from weeks to 6 and 9 months.

Of particular concern is the section relating to Children (Schedule 3, Part 1.) The Children's Panel System has been holding meetings by videoconference since the Government advice was given to close down all but essential businesses and implement social distancing, albeit there have been problems with this and children, parents and their legal representatives are only meantime able to make submissions in writing. Reducing decision making from three Panel members to one and extending the appeal times against a sole arbiter delays accountability and is a manifest injustice. There are substantial extensions to protocols which do not appear to be necessary and the Appeals process deadlines will render the Appeals academic as the impact upon the child(ren) will

already be keenly felt. The mechanics are already in place to proceed with Panel Hearings remotely and Sheriff Court Hearings administratively. We do not believe these provisions are therefore required. These children and their families are the most vulnerable in our society. We cannot condone the proposals made.

Lord Carloway himself has encouraged the use of technology in the Justice System. The opening of the Evidence and Hearings Suite in Glasgow at the end of last year in Glasgow, where the Government invested 2 million pounds into remote access for witness evidence shows that these resources are there. The Police and the Crown have had substantial investment in modern devices to allow material to be made immediately available to them.

On behalf of our members, we caution the Government that action must be necessary and proportionate, with review mechanisms which do not delay access to justice and ensure the civil liberties and human rights of our society.

Yours,

The Executive Committee of the Glasgow Bar Association.