

EBA Update on Criminal Cases at ESC

From: **Edinburgh Bar Association** <edinburghbarassociation@gmail.com>

Date: Wed, Mar 25, 2020 at 8:30 PM

Subject: Court arrangements

Dear All,

I sent out an email on Monday following our meeting with the Sheriff Principal, COPFS and SCTS. Today I arrived at court to find that the SCTS had decided to adjourn everything administratively without telling us! I asked for clarification today from the Sheriff Clerk's Office and this is what I have been told...

ALL cases, summary and solemn, will be adjourned administratively by the clerks with the exception of new custodies and existing cases where the accused is remanded for that particular case. This applies to bail undertakings and cited cases too. Bail undertakings and cited cases will be adjourned without plea unless you wish to submit a plea of not guilty by letter/email or possibly tender a guilty plea in the absence of the accused, again by email/letter. On a practical note, I am told that the clerks are having difficulty with their email system so frankly I'm not sure what to recommend!! I will continue to liaise with the PFs and Clerks for the remainder of this week and for all of next week until arrangements are more settled so if you want me to pass on letter pleas then just let me know.

I have passed on a list of all the summary cases for the rest of this week and all of next week where agents have indicated via the EBA that they wish to have the case called rather than adjourned administratively. I had asked people to contact the PFs re Solemn cases in that bracket. According to the Clerks, you can take it as read that your case will call if the client is remanded for that matter. For any other cases (eg where you might want the case to call to consider bail conditions or to record a plea in the absence of the accused) you should contact the PF and clerks. If you experience any difficulty in getting in contact with the PFs or Clerks, let me know and I will assist.

Ok, so that is what the clerks have told me and I think their position is sensible.....However, the COPFS have indicated that they expect clients to attend for bail undertakings and that they will try to run some trials where possible. I want to be absolutely clear that this is a ridiculous position and my strong advice is to continue to tell clients not to attend for any court cases. The COPFS stance is completely at odds with government advice and I have been told by SCTS that they will not admit any members of the public to the court building.

Finally, the clerks have issued a list of new dates for cases that will be adjourned administratively on Monday and Tuesday. I have attached a copy. I don't have new dates yet for cases that called today or the rest of this week but I will forward that in due course.

Please feel free to email any questions. If much of this seems a bit vague and haphazard. That's how it is being fed to me! Hopefully things will settle down over next few days. Please pass this on to any colleagues not on the mailing list.

Julia McPartlin, President, EBA