

From the Sheriff Principal



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BY email: cjw@bdflaw.co.uk

Dear

Colin,

Covid-19 Implications for Court Business in Paisley Sheriff Court

In light of the unprecedented public health emergency and the instructions on social distancing, I am writing to update you on the plans I am seeking to put in place to allow court business to be prioritised and progressed.

It is desirable that attendance at court be avoided wherever possible. I would therefore urge that as far as possible communication with the court is undertaken by email using the generic email address for the court.

paisley@scotcourts.gov.uk

When emailing please ensure that the address to which a reply should be sent is always provided and that you have taken steps to ensure emails to that address are monitored.

Criminal Business

As you know efforts are being taken to reduce and adjourn criminal business wherever possible. An emergency Act of Adjournal is being prepared which will enable the court to adjourn summary criminal business. The approach I am adopting in North Strathclyde is to have bail cases adjourned to the next available trial diet slot in August with the usual intermediate diet being fixed approximately four weeks in advance as is the practice in the court. I am also anticipating that an accused will be excused attendance from the intermediate diet. When the cases call again at intermediate diet, in July I hope the way forward will be clearer. I should confirm that the court will intimate the new dates to the Crown and the defence. Given the intervention of Covid-19 the summary justice pilot is meantime suspended.

In a summary case, if over the intervening period a plea is agreed this should be intimated by the Crown to the court and arrangements will be made for the case to call in Paisley and the date will be intimated.

If the defence solicitor is of the opinion that the case may be capable of being disposed of in the absence of the accused, the plea should be accompanied by written submissions in mitigation unless the defence solicitor wishes to present oral submissions in mitigation. In cases including a domestic abuse aggravation, any written mitigation must include submissions to assist the court to fulfil its duty in terms of section 234AZA of the 1995 Act.

Where the plea is agreed the court will accept a Crown narration of facts in writing unless the Crown wishes to present an oral narration. In cases including a domestic abuse aggravation, any written narration must include submissions to assist the court to fulfil its duty in terms of section 234AZA of the 1995 Act.

In relation to solemn business I am anticipating that a case calling at First diet where a not guilty plea is maintained and the accused is not in custody will be continued to a continued first diet three months hence.

I understand that the Crown are reviewing solemn and summary trial custody cases and further consideration is being given as to how cases, where the Crown are not prepared to agree to the accused being bailed, shall be dealt with.

For cited criminal court business I would urge that letter pleas are submitted. Cases which call in the cited court over the next few weeks will be dealt with administratively and there will be no need to attend.

Civil Business

All hearings where witnesses are required will be adjourned. Where possible these will be discharged administratively prior to the calling date. No new ordinary proofs will be assigned for a date prior to August 2020. The aim is during this period to keep personal attendance at court to the bare minimum.

To that end, on 31 March 2020 all proofs currently fixed for April May and June 2020 will be adjourned *ex proprio motu* to a date to be afterwards assigned. If a party opposes the adjournment and wishes to make representations for a different approach in a particular case they should intimate their written submission to the other party and the court by 30 March. A sheriff will then consider the submission or submissions and make such order as they determine best serves the interests of justice.

Wherever possible ordinary and family civil business without witnesses will continue. Matters calling in the ordinary court can be dealt with by agreement and an email confirming any agreed position should be submitted to the court. If matters remain disputed parties are encouraged to agree for the court to determine the matter on written submissions which should be exchanged and then lodged by email at least 48 hours prior to the hearing.

The requirement for wet signatures on any document to be lodged is suspended and all documents may be lodged electronically. Where the lodgement of documents will attract a fee the electronic submission must include details of the account number to which the fee is to be charged.

Parties are requested where possible to lodge motions by email. Where parties agree to an opposed motion being dealt with by way of telephone conference or on the basis of written submissions this should be clearly confirmed in the email along with the names and contact details for all participants in the case teleconferencing or with written submissions attached. The clerk will seek to identify a suitable time and day for the motion to be dealt with.

Documents such as affidavits and productions should be lodged with the court by email to the court's generic in-box wherever possible. The limit in size for any document is 20MB.

It is anticipated that simple procedure cases which cannot be resolved will be paused for 6 months. Unless a party intimates to the court that a summary cause or small claims action is of particular urgency, not later than 31 March it will be sisted. New simple procedure and summary cause cases received after today will not be registered until the public health situation is returning to normal.

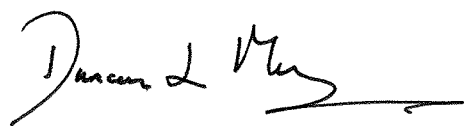
Essential Urgent Business

Where a party believes they require essential urgent business to be dealt with they should advise the court by email and the request will be placed before a sheriff for consideration.

As matters stand it is not possible to say for how long these measures may be required. The position is of course fluid and these arrangements may require to be modified as matters develop. I shall however seek to keep you informed. I will be most grateful if you will circulate this intimation to all those who you believe should be advised. I am also arranging for this letter to be published on the SCTS website.

I should close by saying that I am sure your resident sheriffs will do all they can to assist in working with you and your colleagues during this challenging time.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Duncan L Murray', with a long horizontal flourish extending to the right.

Duncan L Murray WS
Sheriff Principal Sheriffdom of North Strathclyde