

### **JP Courts**

There are no JP courts programmed for July. Any new cases cited to JP courts in July will be/have already been re-fixed administratively as per the previous arrangements to future dates as indicated below.

July			
Cited Court Date			Re-Fixed Date
07/07/20			03/11/20
14/07/20			17/11/20
21/07/20	NO COURT	N/A	
28/07/20			24/11/20

Any plea letters etc received for these cases will not be formally minuted until the future calling dates.

### **Sheriff Cited Courts (next court 7<sup>th</sup> July)**

With the exception of undertakings (which I will explain further below), **NO ACCUSED SHOULD ATTEND COURT.**

If you have instructions to tender a not guilty plea, this should be intimated to the court in advance of the hearing by way of letter. Not guilty pleas will be dealt with administratively with dates being intimated by letter.

If you have instructions to CWP a case, this should be intimated to the court in advance of the hearing by way of letter. CWP cases will be dealt with administratively with dates being intimated by letter. Please note: the new COVID regulations allow for cases to be CWP for longer than the previous statutory period and continuations may be longer than usual to allow for efficient diary management of business.

No not guilty pleas or defence motions to CWP will be dealt with on the day in court so these must be intimated in advance by letter. The Sheriff Clerks will intimate the future dates to agents by letter.

If you have instructions to tender a guilty plea, you can do so in court in the absence of your client. Please ensure you have the following information as the Sheriff will deal with any cases that can be disposed of on the day:

- Current address and contact telephone number
- The financial, employment, health and domestic circumstances
- If it is proposed that the imposition of a monetary penalty is the appropriate disposal the plea in mitigation must fully address the accused's means (income; outlays and savings) and ability to pay by instalments or by a lump sum.

Having considered the circumstances and mitigation, should the Sheriff believe that a personal appearance is required or that they need further information prior to disposing of the case, a future date will be provided at that time.

### **Undertakings (next court 7<sup>th</sup> July)**

Due to the current court accommodation capacity issues with social distancing measures in place and the limited time to put alternative processes in place, it has been agreed that any accused with an undertaking to attend Livingston on 7<sup>th</sup> July will not need to attend court if they have a fully

instructed solicitor who can appear and accept bail on their behalf. The Police have advised that there may be JP undertakings assigned for that date too and these will be treated as above and will call before a Summary Sheriff in the absence of a JP. In order that we can plan for any unrepresented accused that may present at the court that day, please email [livingtson@scotcourts.gov.uk](mailto:livingtson@scotcourts.gov.uk) as soon as possible to advise if you will be appearing on behalf of an undertaking on 7<sup>th</sup> July 2020.

We expect that for future undertaking dates, accused will be attending court however a new time slot will be allocated in advance of the court to ensure that the current court capacity is not exceeded. This will also mean that you/your clients should not have to hang around and wait for extended periods either. I hope to agree the logistics of this with COPFS early next week.

### **Guilty Pleas Courts (next court 9<sup>th</sup> July)**

COPFS requested these additional courts be set up in July to deal with both JP and Sheriff Court guilty pleas that had been intimated during the lock down period in cases where future diets had been fixed administratively. COPFS have already identified cases to call in these courts and we have agreed that a court be set up on 9<sup>th</sup> July and 15<sup>th</sup> July with an agreed number of JP and Sheriff Court cases. COPFS will contact the solicitors who are involved in the cases they have identified and will advise them of the relevant date.

The courts will operate in line with the guidance previously issued on our website <http://www.scotcourts.gov.uk/docs/default-source/default-document-library/facilitating-pleas-of-guilty-in-summary-criminal-proceedings.pdf?sfvrsn=0>

These courts will operate with only a Sheriff, Clerk/Legal Advisor and PF. **NO ACCUSED OR SOLICITOR SHOULD ATTEND COURT.**

If you have a case due to call, please read the guidance above in relation to what information you require to provide (Section 4.1). There is a pro-forma at appendix 2 which will should be completed and will ultimately assist you in providing the relevant information required by the court. This information should be provided at least the day prior to the court and can be done so to [livingtson@scotcourts.gov.uk](mailto:livingtson@scotcourts.gov.uk).

Having considered the circumstances and mitigation, should the Sheriff believe that a personal appearance is required or that they need further information prior to disposing of the case, a future date will be provided at that time.

The Sheriff Clerks will be intimate any disposal made by letter to agents.

### **Remand Courts (next court 16<sup>th</sup> July)**

**NO ACCUSED SHOULD ATTEND COURT.** Cases assigned to these courts will initially call in the absence of the accused. As per the arrangements for guilty pleas being dealt with in the cited court, the Sheriff will dispose of any cases that they feel can be dealt with in the absence of the accused. Agents should be fully instructed and able to provide the information as previously indicated.

Having considered the circumstances and mitigation, should the Sheriff believe that a personal appearance is required or that they need further information prior to disposing of the case, a future date will be provided at that time.

### **DTTO/Breach Proof Courts (next court 13<sup>th</sup> July)**

**NO ACCUSED SHOULD ATTEND COURT.** Cases assigned to these courts will initially call in the absence of the accused. The Sheriff will dispose of any cases that they feel can be dealt with in the absence of the accused. Agents should be fully instructed and able to provide relevant information.

Having considered the case, should the Sheriff believe that a personal appearance is required or a continuation is appropriate, a future date will be provided at that time.

**Solemn Business (next first diet court 13<sup>th</sup> July)**

**NO ACCUSED SHOULD ATTEND COURT UNLESS A PLEA HAS BEEN AGREED.** Cases will either call in the absence of the accused or will be administratively re-fixed by way of S75 minutes. . Accused remanded in custody will only appear via videolink if a plea is agreed or there will be a motion for bail. The Crown will liaise with agents on a case by case basis

S76 hearings and reductions to summary cases will be scheduled into these courts however the number of slots for these will be limited and again time slots will be assigned (as per the undertakings arrangements) to ensure the court capacity is not exceeded. At present the slot for reductions to summary cases will be 12 noon however that will remain under review.

**Custody Trials/Intermediate diets**

We will continue to use video links for custody intermediate diets and I can confirm we are in a position to hold a physical custody trial (where the accused will be brought to court) on the dates that have been allocated to custody trials in July.

**Bail reviews**

These will continue to be dealt with in chambers as per the existing Lothian & Borders protocol.

**Court rooms**

At present there are only Courts 1 and 2 available to hold criminal business due to current social distancing requirements. Where possible we will try and keep the custodies, full committals etc separate from the procedural courts noted above however there are some days where these will need to share a court due to the programmed business. Please check the board when you arrive to see what court rooms are in use that day.

**Access to the building/courts**

Other than unrepresented undertakings, the court (and indeed the entire civic centre) remain completely closed to members of the public. There is no public counter service and no facility for friends/family of accused to attend court. Again I would be grateful if you can advise your clients of this to avoid them having to make an unnecessary journey only to be turned away from the door. Solicitors should ensure they have the relevant ID to show to the security staff to be granted entry to the building.

I hope that has covered everything – if not or if there is anything you want to discuss with me please let me know.

Once again, thank you for your patience and understanding during these challenging times.

Kind regards

*Lorna McPhee*  
Sheriff Clerk