

# Scottish Courts and Tribunals Service

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## GUIDANCE FOR COURT USERS

### SHERIFF AND JUSTICE OF THE PEACE COURTS, THE ALL SCOTLAND SHERIFF PERSONAL INJURY COURT AND SHERIFF APPEAL COURT

The purpose of this guidance is to set out arrangements for the disposal of proceedings in the Sheriff and Justice of the Peace Courts, the All Scotland Sheriff Personal Injury Court (ASSPIC) and the Sheriff Appeal Court during the ongoing COVID-19 pandemic, following a review of the restricted operating arrangements on the 5 March 2021.

This guidance will have effect from 1 April 2021 until further notice and will be subject to regular review.

This guidance has been prepared in consultation with the Sheriffs Principal in order to provide consistent guidance nationally, however, practitioners and litigants should also have regard to further guidance which may be issued locally in any Sheriffdom.

## CRIMINAL COURTS

### 1. Solemn Business

- 1.1 All solemn trials will call on the dates assigned, using the remote jury centres. There will be no change to scheduled jury sittings.
- 1.2 First Diets will continue to call on the dates currently assigned and in accordance with the arrangements in each Sheriffdom. Accused persons who are represented and who are ordained or subject to bail should not attend a First Diet. Accused persons remanded in custody will appear at a First Diet by remote means wherever possible.

1.3 All sentencing diets, including diets assigned in terms of section 76 of the Criminal Procedure (Scotland) Act 1995 will call on the dates assigned. Accused persons who have been ordained or are subject to bail must appear, unless their attendance has been excused.

## **2. Custody Courts**

2.1 All sheriff courts which had been processing custody business prior to 1 April 2021, will continue to do so in accordance with the current arrangements in each Sheriffdom.

2.2 The attention of practitioners is drawn to the “*Guidance in relation to Remote Hearings– Attendance by Electronic Means for Custody Cases*”. Practitioners are encouraged to make use of the facility for remote representation wherever possible.

## **3. Sheriff Court Summary Criminal Business**

### **3.1 Trial Diets**

3.1.1 Trial diets involving an accused person who is remanded in custody in relation to those proceedings will proceed as scheduled.

3.1.2 All part heard trials will proceed on the date and at the time assigned.

3.1.3 In respect of all trials assigned to a diet between 1 April and 16 April 2021 (both dates inclusive) the sheriff presiding over the intermediate diet will (a) continue to trial those trials which are identified as a priority (such as but not limited to those involving allegations of domestic abuse or child witnesses) subject to a maximum of **three** such trials in a trials court each day and (b) adjourn all other trial diets to a suitable date.

3.1.4 All trials assigned to a diet between 1 April and 16 April 2021 (both dates inclusive) and in respect of which an intermediate diet has already taken place, will be administratively adjourned with the exception of those identified as a priority (such as but not limited to those involving allegations of domestic abuse or child witnesses). The arrangements for such priority trials will be subject to a maximum of **three** such trials calling in a trials court each day. Local arrangements will be made to notify parties of those trials which will proceed.

3.1.5 In respect of all trials assigned to a diet on or after 19 April 2021, the sheriff presiding over the intermediate diet will (a) continue to trial those trials which are identified as a priority (such as but not limited to those involving allegations of domestic abuse or child witnesses) subject to a maximum of **five** such trials in a trials court each day and (b) adjourn all other trial diets to a suitable date.

3.1.6 The maximum number of trials specified in paragraphs 3.1.3, 3.1.4 and 3.1.5 will include trials proceeding in terms of paragraph 3.1.1 but will exclude those part heard trials referred to in paragraph 3.1.2.

## **3.2 Cited Courts**

3.2.1 Arrangements will be made in each Sheriffdom for the commencement of cited courts from 19 April 2021. Practitioners are encouraged to lodge and intimate letter pleas wherever possible.

## **3.3 Undertakings**

3.3.1 Undertakings will call as programmed in accordance with the current arrangements in each Sheriffdom.

## **3.4 Intermediate Diets**

3.4.1 For those trials which are administratively adjourned in terms of paragraph 3.1.4 above and which otherwise would have called in the period from and including 1 April 2021 to 16 April 2021 (inclusive), new trials diets will be assigned. No new

intermediate diets will be assigned.

3.4.2 For all trials not falling within the terms of paragraph 3.4.1 above, intermediate diets will proceed and PIDMs will take place.

3.4.3 Practitioners are reminded of the terms of *Practice Note No 4 of 2020* dated 1 December 2020. PIDMs should take place on the dates allocated.

### **3.5 Remand/Sentencing Courts**

3.5.1 All sentencing diets will proceed and the accused will be required to attend, unless otherwise advised by the court.

3.5.2 All business in the problem solving courts will recommence on 1 April 2021.

## **JUSTICE OF THE PEACE COURTS**

With the exception of any matter in respect of which the accused is in custody, all business in the Justice of the Peace Courts will be administratively adjourned until week commencing 7 June 2021. Local arrangements will be made to process letter pleas where possible.

## **CIVIL BUSINESS**

All civil hearings which do not require the leading of evidence will, unless otherwise directed by the court, continue to be conducted remotely.

Hearings which require the leading of evidence will also be conducted remotely. Only in exceptional circumstances, where social distancing restrictions can be adhered to and where evidence cannot be led remotely, will the physical presence of witnesses be permitted.

### **FAIs**

Preliminary Hearings and Fatal Accident Inquiries will be conducted remotely.

### **ASSPIC**

Current arrangements for business in the All Scotland Sheriff Personal Injury Court will

continue to apply.

## **SHERIFF APPEAL COURT**

Current arrangements for business in the Sheriff Appeal Court will continue to apply.