

Just News

The newsletter of the High Court of Justiciary

High Court
of Justiciary



December 2010

High Court of Justiciary, Parliament House, Parliament Square, Edinburgh, EH1 1RQ
Telephone: 0131 225 2595 - email: ihorne@scotcourts.gov.uk

INSIDE THIS ISSUE

- 1 High Court of Justiciary, Edinburgh
- 3 Direction 1 of 2010
- 4 Changes to Legislation
- 6 Your feedback
- 7 Charter Mark and Customer Service Excellence
- 7 Ring our bell
- 8 Public holidays
- 9 Justiciary Office report
- 10 Telephone contact details
- 11 What do you think?

High Court of Justiciary, Edinburgh

As many of you will be aware, the glass atrium roof at Lawnmarket has had a history of leaks and glass breakages. It is poorly thermally insulated and, during sunny weather, has a problem of excessive solar heat gain. The existing guttering system had leaks which affected the adjacent office areas and court 5.

A project was put in place to fully address these problems with minimal disruption to the daily court operations in the Lawnmarket building. The major work includes the complete replacement of the glazed atrium roof.

The construction works started on 20 September 2010 and are scheduled to be complete by end March 2011.

All works are taking place outwith normal working hours with evening shifts starting at 5pm. The contractor will ensure that the building will be ready for use for 7am each morning. All areas affected by the works will receive a full clean each day before opening for use.

It is a major challenge to effectively remove and replace the glazed atrium roof around an operational court building. Considerable planning has been undertaken to minimise the impact and inconvenience to staff, customers and the public during the six month programme of work.

Continued overleaf



CUSTOMER SERVICE EXCELLENCE

It is our intention to effectively separate the atrium roof works from the rest of the building with the installation of a high level working deck over the whole of the atrium space. Unfortunately this will cut out all natural day-lighting during the works and temporary lighting will be installed. We believe that the benefits of sterilising the building works for the 6 month programme, outweigh the inconvenience of the loss of natural daylight.

There is a risk that, with the sequential removal and replacement of areas of the roof, the atrium area will require some supplementary heating and contingency plans are in place for this to be provided to ensure the comfort of staff and court users.

In order to ensure that the building is maintained wind and watertight during the works, a temporary roof has been installed over the whole of the atrium to protect the works and the building itself. This is supported from street level by the erection of scaffolding up the east and west elevations. These external scaffold works will remain in place until the works are complete in March.

Summary of the main works to be undertaken;

- Removal of existing atrium glass roof and replacement with a solid insulated roof.
- The new roof will have an aluminium surface to the outside and a smooth finished curved vault ceiling internally.
- Daylight will be provided from new glazing to the three ends of the 'T' shaped atrium and a new north facing roof-light centrally over the existing wall hangings and mezzanine stair.
- The existing roof structure is being retained but only the cross ties will remain visible. The existing structure will be hidden within the new roof make up.
- New energy efficient up-lighting to the atrium ceiling which will reflect light back down and around the atrium.
- New energy efficient down-lighting and wall wash lighting to the atrium.
- New roof covering to court 5 roof and the existing roof gutters.
- Some of the older mechanical air handling equipment located on court 5 roof is being renewed.
- The ventilation to the atrium is being upgraded, which coupled with a reduction in the overall amount of glazing will improve the environmental conditions in the atrium.



Artist's impression of the internal works on completion.

High Court of Justiciary: Direction No 1 of 2010: Presentation of conviction appeals in writing: authorities

Please be aware of the attached direction from the Lord Justice General.

HIGH COURT OF JUSTICIARY

Direction

No. 1 of 2010

Presentation of conviction appeals in writing: authorities

Under and by virtue of the power conferred on me by paragraph (6)(b) of rule 15.15A of the Criminal Procedure Rules 1996, I hereby specify the following publications.

Case reports

Justiciary Cases; Scottish Criminal Cases Reports; Scots Law Times; European Human Rights Reports; the Law Reports; the All England Law Reports; the Weekly Law Reports.

Legislation

The official publication of Acts of Parliament; the official publication of Acts of the Scottish Parliament; Renton and Brown's Criminal Procedure Legislation.

Texts

Hume; Allison; Macdonald; Gordon's Criminal Law of Scotland; Dickson on Evidence; Walker and Walker on Evidence; Davidson on Evidence; Renton and Brown's Criminal Procedure.

(sgd) *AC Hamilton*

Edinburgh
12 November 2010

Lord Justice General

Changes to Legislation

Following the Supreme Court decision in *Cadder* there have been a number of recent changes to legislation.

The Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act came into force on 29 October 2010.

This extended the period during which a person may be detained under section 14 of the Criminal Procedure (Scotland) Act 1995; to provide for a right to make representations in relation to applications for extension of time limits for bringing appeals; to provide a time limit for lodging bills of suspension or advocacy; to make provision about the grounds for references made to the High Court by the S.C.C.R.C.

The Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No.5) Order 2010 and Act of Adjournal (Criminal Procedure Rules Amendment No.3) (Scottish Criminal Cases Review Commission) 2010 both came into force on 5 November 2010.

Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act

Sections 1 to 4 of this Act amends sections 14 and 15 of the Criminal Procedure (Scotland) Act 1995 and refer to the rights of a suspect to have access to a solicitor and extends the period of detention from 6 hours to 12 hours, with the authority to extend the 12 hour period for a further 12 hours.

Sections 5 to 7 of this Act amends sections 111, 181, 191 and 194B-D of the Criminal Procedure (Scotland) Act 1995 and have a direct impact on current appeal procedures.

Section 5 - Extension of time for late appeals

Sections 111 and 181 of the Criminal Procedure (Scotland) Act 1995 are amended.

NOTE: Any application seeking an extension of the period for lodging an intimation of intention to appeal, or an application for a stated case, must now state the reasons why the applicant failed to comply with the time limit and include the proposed grounds of appeal.

The application must also be intimated in writing to the Crown.

The Crown if they so request, within 7 days of intimation of the application, must be given the opportunity to make representations to the Court, ie. a hearing will have to be assigned.

Please note that the applicant (appellant), in solemn proceedings, can still appeal a decision to refuse an extension of time in terms of section 103(6) of the CP(S)A 1995.

Continued overleaf

Changes to Legislation

Section 6 - Time limit for lodging bills of advocacy and bills of suspension

A new section 191A is inserted after section 191 of the Criminal Procedure (Scotland) Act 1995.

NOTE: This time limit applies **ONLY** to Bills lodged in summary procedure.

The party lodging the Bill must lodge it with Justiciary Office "within 3 weeks of the date of conviction, acquittal or as the case may be, other decision to which the bill relates".

In terms of subsection (4) the High Court may, on the application of any party, extend the time limit in similar terms to those applications for an extension of time.

Where the date of conviction etc is before the date on which this Act comes into force, then parties have 3 weeks from the date this Act comes into force, to lodge their Bill.

Section 7 - References by the S.C.C.R.C.

There are minor amendments of sections 194B and 194C and the insertion of a new section 194DA to the Criminal Procedure (Scotland) Act 1995.

References by the Scottish Criminal Cases Review Commission

(1)The 1995 Act is amended at Sections 194B, 194C and 194D.

NOTE: Where the S.C.C.R.C. has referred a case to the High Court, the High Court may, reject the reference if the Court considers that it is not in the interests of justice that any appeal should proceed.

This issue will apply to all referrals from S.C.C.R.C., not just those with *Cadder* grounds of appeals.

This issue will be determined by a Judge at the Single Judge Procedural Hearing, once the grounds of appeal have been lodged.

The Criminal Justice and Licensing (Scotland) Act 2010 (Commencement No.5) Order 2010

This Order brings into force section 83 of the Criminal Justice and Licensing (Scotland) Act 2010, amending section 194D of the Criminal Procedure (Scotland) Act 1995.

NOTE: At present an appellant can lodge grounds of appeal with the Court even though they were rejected by the S.C.C.R.C.

The effect of this amendment of the Act is to limit the grounds of appeal lodged by an appellant to those identified by the S.C.C.R.C in their Statement of Reasons.

This issue again will have to be considered by a Judge at a Single Judge Procedural Hearing.

Continued overleaf

Changes to Legislation

Act of Adjournal (Criminal Procedure Rules Amendment No.3) (Scottish Criminal Cases Review Commission) 2010

The Criminal Procedure Rules 1996 have been amended as a consequence of the changes effected by section 83 of the Criminal Justice (Scotland) Act 2010, which limits the grounds of appeal to be lodged by the appellant.

NOTE: This now clarifies the period for lodging grounds of appeal in a referral from S.C.C.R.C. Grounds of appeal should now be lodged with Justiciary Office 8 weeks after the date of the referral, or alternatively, 8 weeks after the Court has determined any application to lodge additional or amended grounds (this is likely to be at the single Judge Procedural Hearing).

Your feedback

We always want to hear what you think about the service we provide. Your feedback gives us the opportunity to put things right or tell you why we can't change the situation.

We will be carrying out a full Customer Satisfaction Survey next year which we hope you will participate in. Further details will be available in the Spring.



Charter Mark and Customer Service Excellence

Charter Mark (CM) is a national standard for customer service excellence. The High Court of Justiciary first achieved CM status in 2007 and since then we have been re-assessed every year to make sure that we haven't let our standards slip.

The independent assessor - Harry Nicol - was with us in June and we're delighted to say that the assessment was again successful

This was our final CM assessment as it will close on 30 June 2011. It has been replaced by a new standard - Customer Service Excellence (CSE).

The ground rules of good customer service have not changed and these provide the basis for CSE. However CSE will test in greater depth, areas which research showed are a priority for customers. CSE also focuses on developing customer insight, understanding the user's experience and measuring satisfaction levels.

We are already working towards this new standard and we will keep you posted on how this goes.

Charter Mark has been replaced with Customer Service Excellence



Ring our bell

Regular visitors to the Justiciary office in Edinburgh will be aware that there is a bell on the counter to attract our attention.

We work on a rota basis for dealing with customers which means that the member of staff nearest the counter isn't always the person who will serve you. In fact, the person who will serve you may not be able to see you from their desk.

We would be very grateful therefore if you could ring the bell on your arrival. This will make sure that there is no delay in serving you.

Public holidays

The offices are closed on the following dates:

December 2010

24 Dec 2010 (half day)
27 Dec 2010
28 Dec 2010



January 2011

3 Jan 2011
4 Jan 2011

April 2011

18 Apr 2011
22 Apr 2011
25 Apr 2011

May 2011

2 May 2011
23 May 2011

September 2011

19 Sep 2011

November 2011

28 Nov 2011

December 2011

23 Dec 2011 (half day)
26 Dec 2011
27 Dec 2011

Justiciary Office Report

Management Information & Workload

	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010
Indictments registered	1104	1171	1005	920	789
Trials (Evidence led)	303	414	446	382	322
Solemn Appeals Lodged	925	954	953	765	870
Summary Appeals Lodged	1876	1770	1475	1546	1486
High Court Judge Days	3422	3346	3591	3862	3912

Waiting periods as at end October 2010

First Sift

Leave to appeal from the time the Sheriff's/Judge's report is received by Justiciary Office to allocation to a single judge - 7 days (Target 1 week)

Second Sift

From intimation of appeal against refusal at first sift to allocation to 2/3 judges - 8 days (Target 2 weeks)

Solemn

Appeals against sentence - 8 weeks (target 9 weeks)

Appeals against conviction (and sentence) - 16 weeks (target 17 term weeks)

Summary

Appeals against sentence - 7 weeks (target 9 weeks)

Appeals against conviction (and sentence) - 5 weeks (target 6 term weeks)

Bills of Suspension (from date lodged - 5 weeks (target 4 term weeks)

Telephone contact details

Edinburgh

Numbers should be preceded
with 0131 240

First Instance Section

Keren O'Hare (Team Leader)	6908
Kelly Jack	6907
Alastair Marshall	6852
Clearing Up Desk	6953

Preliminary Hearings Minute Clerk

Elaine Cranston	6946
-----------------	------

First Instance Manager

Alan Thompson	6928
---------------	------

Summary Appeals Section

Laura Hastie (Team Leader)	6912
Stefani Gibbons	6914
Sandy McKay	6903
Kellie Blakemore	6901

Solemn Appeals Section

Fiona Merrilees (Team Leader)	6909
Elaine Hunter	6910
Jenny Kelly	6911
Michael Stanners	6958
Archie Falconer	6947

Deputy Appeals Manager

Hazel Bell	6957
------------	------

Appeals Manager

Joe Moyes	6902
-----------	------

Office Manager

Luz Sexto	6905
-----------	------

Officer in Charge of Justiciary Office

Ian Horne	6913
-----------	------

Deputy Principal Clerk of Justiciary

Gillian Prentice	6869
------------------	------

Glasgow

Numbers should be preceded
with 0141 559

Office Manager

Eve Henderson	4577
---------------	------

First Instance Manager

Allan Hutchison	4516
-----------------	------

What do you think?

We continually seek to improve the service and choice for its customers and partners. In order to improve the quality of information we provide about our performance we would like to offer you the opportunity to comment on the content of this document. Please read the following questions and pass your views and comments to us by fax, email or letter using the details given below:

1. How well did you understand the contents of this report?
2. How well does this information meet your needs?
3. Did it cover aspects which you are interested in or you feel are relevant?
4. What other relevant issues or information do you feel you should be included or covered in the next quarter's issue?

Send your views to:

Letter

I Horne
High Court of Justiciary
Level -2
Parliament House
Parliament Square
Edinburgh
EH1 1RQ

Email

ihorne@scotcourts.gov.uk

Fax

Telephone

0131 240 6912