



scottish court service a comprehensive guide



Contents

Who are we?	1
How are we organised?	3
What happens in the Supreme Courts?	4
The Court of Session	4
The High Court of Justiciary	8
The Accountant of Court's Office	13
The Office of the Public Guardian	14
What happens in the Sheriff Courts?	16
Civil Business	17
Criminal Business	18
Commissary Business	19
What happens at Agency Headquarters?	21
Using our services	24
What should you expect?	25
Putting things right	30
If you want more information	32



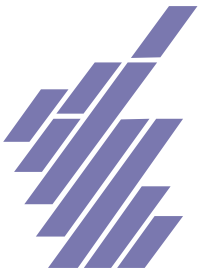
Who are we?

We are an Executive Agency of the Scottish Government Justice Department. We are responsible for the speedy, efficient and cost-effective administration of Scotland's Supreme and Sheriff Courts.

Our aim is to help secure ready access to justice for the people of Scotland.

To achieve this aim we have the following objectives:

- to provide the staff and services required to meet the needs of the judiciary and court users
- to provide courthouses of appropriate size and quality
- to develop and implement the Justice Charter for Scotland and the Scottish Court Service Court Users Charter
- to secure value for money and to manage the Agency's resources efficiently and effectively.



The Scottish Court Service and the Judiciary

We are responsible for the management and administration of Scotland's Supreme and Sheriff Courts and not for the administration of justice. This is the responsibility of judges and sheriffs. They remain entirely independent of us when carrying out their work.

We have no responsibility for judicial decisions. We cannot comment on or consider any communication regarding a judicial decision. If you are unhappy with the outcome of a case you may have a right to appeal against the decision. If you wish to do this you should seek legal advice immediately.



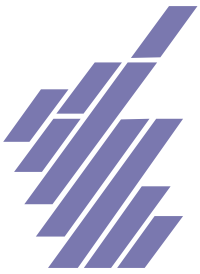
How are we organised?

The Scottish Court Service is divided into 3 operational areas:

- The Supreme Courts, which includes the Court of Session, the High Court of Justiciary, the Accountant of Court's Office and the Office of the Public Guardian
- The Sheriff Courts, which are divided into six regional Sheriffdoms, and
- Agency Headquarters.

Did you know?

- We deal with the administration of over 150,000 civil cases every year, processing more than £14 million in fees.
- We collect in excess of £10 million in fines from over 90,000 criminal cases every year.



What happens in the Supreme Courts?

The Supreme Courts are made up of:

- the Court of Session,
- the High Court of Justiciary, and
- the Accountant of Court's Office, including the Office of the Public Guardian.

Did you know?

- Approximately 130 SCS employees work in Scotland's Supreme Courts.
- Supreme Courts staff deal administer of over 10,000 new cases, both criminal and civil, every year.

The Court of Session

The Court of Session is Scotland's most important civil court. Most of the cases that are heard here are disputes between people and/or organisations. They may relate to the collection of a debt, a claim for damages, a petition for divorce or perhaps child adoption.



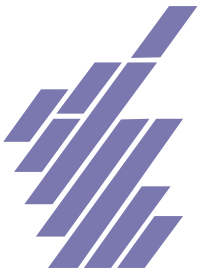
Cases are heard either in the Outer House or the Inner House:

- The Outer House, also known as a 'court of first instance', is where cases are first heard. In this court judges normally preside over cases alone.
- The Inner House is split into two divisions, dealing primarily with appeals from the Outer House, the Sheriff Court and certain tribunals and other bodies. At least three judges sit in each division. The First division is presided over by the Lord President, the most senior judge in Scotland. The Second division is presided over by the Lord Justice Clerk, the second most senior Scottish judge.

Our work in the Court of Session

We support the work of the Court of Session through a number of departments:

- the Petitions Department
- the General Department
- the Extracts Department
- the Office of the Keeper of the Rolls.



The Petition Department

This department processes applications made by individuals or organisations to the 'administrative jurisdiction' of the Court. 'Administrative jurisdiction' refers to the court's power to deal with a variety of legal issues other than disputes between people and/or organisations. These applications are made by petition and include:

- adoption
- bankruptcy
- liquidation of companies
- judicial factors
- judicial review.

The General Department

The General Department deals with ordinary actions where one person wants to enforce a legal right against someone else. These actions are generally started by a summons and include:

- payment of a debt
- claims for damages
- divorce



The Extracts Department

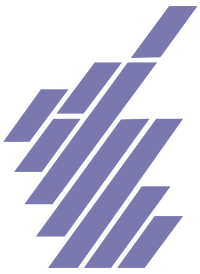
The Extracts Department deals with the issue of Extracts, which are copies of a Court Order. It allows the successful party in a case to enforce the judgement. This department also deals with:

- Simplified Divorces
- Maintenance Orders
- Letters of Inhibition, which prevent a person transferring land rights pending the outcome of a court case.
- the issue of all Opinions of Court (written judgements)
- the documents required by the Court in support a case

Office of the Keeper of the Rolls

The Keeper's Office schedules the business of the Court of Session. They produce a daily and weekly timetable of cases to be heard known as the **Rolls of Court**.

This is available on our website at www.scotcourts.gov.uk/rolls/rolls_home.htm



The High Court of Justiciary

The High Court of Justiciary is the most important criminal court in Scotland. It deals with the most serious criminal cases, such as murder, culpable homicide, rape, armed robbery and drug trafficking.

Cases are tried by a Judge and a jury. Juries in criminal cases are made up of 15 people selected at random from the electoral register. The jury makes its decision based on the evidence presented to it in court, whilst the judge advises the jury on questions of law and is responsible for passing sentence. The judge has the power to impose the maximum sentences permitted by law, including unlimited fines and life imprisonment.

The High Court is also a Court of Appeal for criminal cases. Appeals against a finding of guilt are heard by at least three judges, whereas two judges hear appeals against sentence. There is no further right of appeal to the House of Lords.



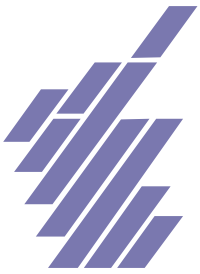
Our work in the High Court

We support the work of the High Court primarily through the Justiciary Office. The office is situated within the High Court of Justiciary in Edinburgh's Lawnmarket. Here is some of the work carried out in the Justiciary Office.

- In consultation with the Crown Office, we schedule the business of the High Courts, including the Appeal Courts.
- We provide clerks of court for criminal trials throughout Scotland and in the Criminal Appeal Court.
- We check applications to the court for remedies where no other remedy is provided for by statute.

For administrative purposes the office is divided into three sections, dealing with:

- Cases at First Instance,
- Criminal Appeals, and
- Justiciary Appeals.



Cases at First Instance

This section supports the High Court by:

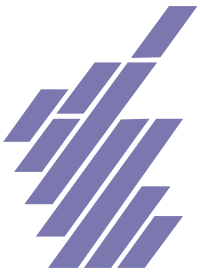
- issuing jury citations;
- dealing with general enquiries from potential jurors;
- processing all bail appeals from the Sheriff and District Courts and notifying the appropriate penal institution of the outcome;
- dealing with requests from the general public and legal professionals for reports on High Court trials; and
- making sure all papers are received in time for trial dates.



Criminal Appeals

The Criminal Appeals section processes all appeals in solemn cases. This involves:

- receiving reports from the presiding judge and transmitting these to the appellant and the Crown,
- processing applications for leave to appeal,
- assigning cases to the appropriate Court where leave to appeal is granted,
- notifying concerned parties of the outcome of the appeal, for example, the prison service, police and the judge, and
- providing advice and information to interested parties, whether by phone, letter or in person.



Justiciary Appeals

This section processes appeals against conviction, and appeals against sentence which are received from the Sheriff, Stipendiary Magistrates' and District Courts.

This involves:

- Preparing the case so that a judge can decide whether those involved have a right to appeal.
- Scheduling and intimating dates for appeals that the judge allows to proceed.
- Intimating the judge's decision to disallow an appeal and issuing any necessary warrant to the appropriate persons.
- Dealing with enquiries from the general public and legal professionals, whether by post, telephone or in person.

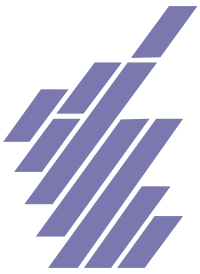


The Accountant of Court's Office

The Accountant of Court's Office is based in Parliament House in Edinburgh and is supported by the administrative staff of the Supreme Courts. The Accountant of Court is also the Public Guardian.

The main duties of the Accountant of Court are to:

- supervise and advise judicial factors, who are appointed to manage the financial affairs of partnerships, trusts or individuals
- supervise and advise curators bonis, who are appointed to look after the property of someone who is unable to do so for themselves
- resolve any difficulties which have arisen with the appointment of curators
- give directions for the management of funds due to children
- hold sums consigned into court within the Court of Session



The Office of the Public Guardian

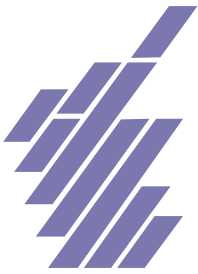
The Office of the Public Guardian (OPG) is based in Hadrian House, Callendar Business Park, Falkirk. It performs a variety of functions, relating to the Adults with Incapacity Act (Scotland) 2000. This Act was one of the first pieces of social legislation passed by the Scottish Parliament. It deals with the appointment of people who take care of the property, financial affairs and personal welfare of adults (persons over 16 years old) who are incapable by reason of mental disorder or an inability to communicate.

The OPG does the following.

- Maintains and amends public registers of court appointments and orders relating to the adult with incapacity, in particular
 - continuing and welfare powers of attorney,
 - all guardianship orders pronounced in terms of the Act (financial and welfare), and
 - all intervention orders pronounced in terms of the Act.



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- Supervises and monitors the financial powers of guardians and persons appointed under intervention orders.
 - Investigates complaints relating to the management of finances by attorneys, guardians and others.
 - Investigates any circumstances in which the property or financial affairs of an adult appear to be at risk.
 - Provides advice and guidance relative to the performance of functions under the Act relating to the property or financial affairs of an adult.
 - Grants authority to a person to deal with particular funds of an adult who is incapable of making decisions about, or safeguarding, those funds.



What happens in the Sheriff Courts?

The Sheriff Courts deal with most of Scotland's court business and the majority of our staff work in these courts. There are 49 Sheriff Courts in Scotland, within 6 Sheriffdoms:

- South Strathclyde, Dumfries and Galloway,
- North Strathclyde,
- Grampian, Highland and Islands,
- Tayside, Central and Fife,
- Lothian and Borders, and
- Glasgow and Strathkelvin.

Each Sheriffdom has a Sheriff Principal who in addition to hearing appeals in civil matters and certain types of inquiry, has responsibility for the conduct of the courts. Most cases are heard before a judge called a Sheriff.

The work of the Sheriff Courts is divided into 3 different areas: Civil, Criminal and Commissary, and is administered by local Sheriff Clerks and their staff.



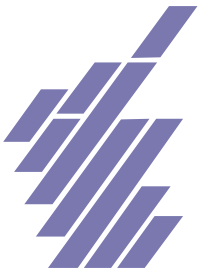
Civil Business

Most civil business involves disputes between people and/or organisations. These may be:

- Ordinary Actions, which are mainly cases involving divorce, children, property disputes and debt/damages claims.
- Summary Causes, which are mainly cases involving disputes over rent arrears, delivery of goods and debt recovery.
- Small Claims, which is a fairly informal procedure for resolving minor disputes. These cases often proceed through the courts without the need to consult a solicitor.

We also deal with the administration of many other civil applications and procedures, including:

- Adoption of children;
- Liquidation of companies;
- Club and gaming licence applications;
- Fatal accident inquiries; and
- Bankruptcies.



Criminal Business

Criminal cases may be brought to court under either Solemn or Summary Procedures. It is the responsibility of the Procurator Fiscal to decide which procedure should be followed for a particular case. The Procurator Fiscal is employed by the Crown Office.

Solemn Procedure is used in serious cases where the charge attracts a sentence in excess of three months in prison. Trials are heard before a Sheriff sitting with a Jury. If the Sheriff feels that a higher sentence than he or she can give would be appropriate the case may be sent to the High Court of Justiciary for the sentence to be decided.

Summary Procedure is mainly used for less serious cases where a Sheriff hears a case without a Jury. Fines are limited to a maximum of £5,000 and imprisonment is generally restricted to a maximum of 3 months although there are occasions when this may be increased.



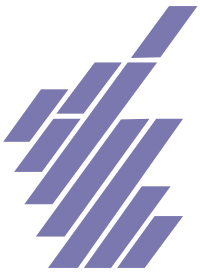
We are responsible for the administrative work arising out of criminal cases including:

- recovery of fines;
- disbursement of money paid under Compensation Orders;
- issue of Court Orders, such as those relating to probation, community service and bail; and
- citation and management of jurors.

Commissary Business

Commissary work mainly involves issuing Confirmations. A Confirmation is a legal document sometimes required by organisations, such as banks, before they can release money and other property of someone who has died. It confirms that the executor of a deceased person's estate has the authority to receive that person's property and distribute it according to law. An executor may be someone appointed in a deceased person's will, or the deceased person's next of kin, where there is no will.

If the value of the estate exceeds £25,000 the person seeking Confirmation is advised to consult a solicitor.



Did you know?

- We employ over 680 people in the Sheriff Courts throughout Scotland.
- Glasgow is our biggest sheriff court, with over 130 staff, dealing with over 15% of Sheriff Court business each year.
- Our smallest court is in Rothesay and our staff member there processes less than 0.5% of our total business.
- Grampian, Highland and Islands covers the largest geographical area of all Scotland's Sheriffdoms.



What happens at Agency HQ?

Agency HQ consists of the Chief Executive's Office and a number of Units:

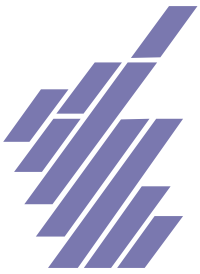
- Operations and Policy Unit,
- Finance and Information Technology Unit,
- Personnel and Development Unit, and
- Property and Services Unit.

Operations and Policy Unit

Responsible for strategy development, this unit focuses on improving services to the Judiciary (judges and sheriffs) and all our customers by encouraging best working practice throughout the Agency. It is also responsible for reviewing and revising operational procedures so that they remain up to date with new legislation.

Personnel and Development Unit

PDU is responsible for developing policy and procedures relating to people management and for administering payroll. It works with managers to make sure that all our staff are managed properly and are trained to meet your needs. It does this through a network of regional Personnel and Development Managers.



Finance and Information Technology Unit

FITU provides advice to courts on budget management and is responsible for financial reporting and audit issues. It is responsible for collating statistical information on court activity for our senior managers. FITU is also responsible for developing and supporting new information technology initiatives.

Property and Services Unit

PSU is responsible for managing the estate of the Scottish Court Service. It is presently well on its way to achieving its primary objective of either rebuilding or refurbishing every courthouse in Scotland. PSU also procures goods and services, such as security, and focuses on issues relating to health and safety, both for SCS employees and all who use our services.

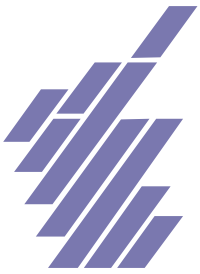
These Units work to effectively support the operational business of the Scottish Court Service with the aim of improving the service that you receive when you use our courts.



Did you know?

We were formally presented with the “Investor in People” award in February 2001. We are committed to improving the way we do business so that you get a high quality service.

- We plan our business, so that we can work more efficiently and effectively.
- We communicate, so that everyone, including you, knows what we are doing.
- We train our staff, so that they gain new skills and knowledge.
- We manage the performance of our staff, so that they can continue to improve.



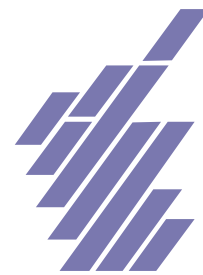
Using our services

There are lots of reasons why you might use our services. For instance:

- you may be attending court as a witness, juror, or accused person;
- you may be conducting or defending a case;
- you may need information on how to pay a fine;
- you may want to know how to make a claim for damages; or
- you may be concerned about how the estate of a person with incapacity is being managed.

We aim to reduce any anxieties you may have about coming to court or contacting us. Whatever your reason for getting in touch always remember we are here to help you in any way we can.

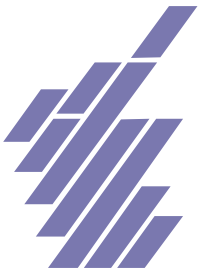
So that you know what to expect from us we have developed a Court User's Charter. This is part of the Justice Charter for Scotland, which aims to improve the standard of service provided by all those working in Scotland's justice system.



What should you expect?

You can expect our staff to:

- treat you with courtesy and respect regardless of your race, ethnic origin, religious belief, gender, sexual orientation, disability, or the reason for your attendance at court;
- have the skills and knowledge needed to provide you with an efficient, professional and helpful service; and
- wear name badges in our public offices, and identify themselves by name in all communications, whether by phone, letter or email.



Did you know?

You can expect every courthouse to have:

- clearly marked reception areas and information points;
- clear sign-posting to help you find your way around;
- easy to follow and up-to-date court timetables;
- enough comfortable witness and jury rooms;
- reading material in witness rooms;
- access to a public telephone;
- sufficient clean toilets;
- refreshments facilities in all but the smallest courts;
- wheelchair access to public areas, where possible;
- induction loops and sound enhancement systems, where possible, for those with hearing problems.

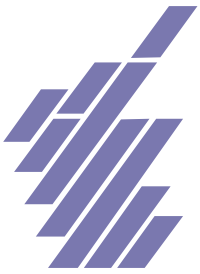


Helping us to help you

You can help us make sure you get a helpful, efficient and professional service by:

- letting us know if you have any special needs before you arrive at court;
- reading carefully any information we send you;
- bringing all important documents with you to court;
- arriving in good time for appointments and hearings;
- co-operating with security checks at court - these are for your own safety;
- treating other court users, court staff and court buildings with respect; and
- giving us as much relevant information as possible if you write to us or phone.

If you are unsure of anything about a visit to court do not hesitate to contact us.



Working with others

Because providing a high quality service is important to us we consult regularly with those who use our services and facilities with the aim of improving working practices and service delivery:

- We liaise with the Crown Office and organisations that have a remit for victims issues to make sure we meet the needs of victims and witnesses attending court for criminal proceedings.
- We are working with the Scottish Government, the Crown Office, District Courts, Scottish Police Forces and various other organisations in the justice system to see how we can use new technology to improve the service we provide.
- We undertake regular customer satisfaction surveys and consult regularly with local court users to see what specific improvements we can make in each of our offices.



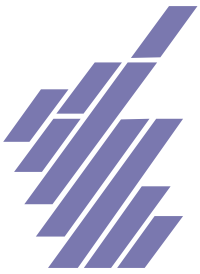
Measuring up

We regularly look at how we are doing against targets that are set annually by the Judiciary and the Minister for Justice in Scotland. These include measures of:

- how quickly and efficiently our administrative business is dealt with;
- the refurbishment and rebuilding of courthouses;
- improvements in our facilities; and
- improvements in information produced for our customers.

These targets ensure that we continually strive to provide you with service of the highest quality possible.

Independent auditors check our accounts and activities, and you can find out how we have performed in our Annual Report and Accounts. You can buy this by writing to us at the address at the end of this leaflet or you can download a free copy from our website: www.scotcourts.gov.uk.



You can find out how we have performed against targets in your local sheriff court by checking notice boards in public areas or your local press.

We check how you think we are doing through customer surveys. Our last survey showed that we have a lot of satisfied customers.

Putting things right

We strive to improve the service we provide, but things may sometimes go wrong. If they do we want to put them right. We will always treat genuine complaints seriously and impartially.

Please tell us if you want to complain about the administration of the court, the conduct of the staff or the facilities at court. We will try to sort out your problem there and then.

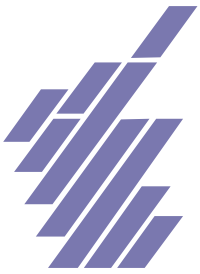
If you are not happy, you can speak to a senior member of staff or you can make your complaint in writing. The name and address of the person you should write to is shown on notices in the public areas of the court or office. Please ask for a copy of our booklet "[How to make a complaint](#)".



If you write to us with a complaint:

- We will acknowledge receipt of your letter within two working days.
- A senior member of the management team will send you a personal written response within 10 working days if the complaint refers solely to the actions of court staff. If others have to be consulted, you will normally receive a full reply within 20 working days.
- If we cannot give you a full reply at the outset, we will tell you why and say when you will get a full reply.

If your complaint is upheld, you can expect an apology and an assurance that we will use any lessons learnt from the complaint to improve the standard of service we provide in the future.



If you want more information

If you want more information about the services we provide, or would like copies of leaflets or books, write to us at:

Scottish Court Service,
Hayweight House,
23 Lauriston Street,
Edinburgh,
EH3 9DQ

Phone: 0131 229 9200

Fax: 0131 221 6890

Type-talk: 0800 51 51 52

E-mail: enquiries@scotcourts.gov.uk

Visit our website: www.scotcourts.gov.uk

Find out more about your government at:
www.ukonline.gov.uk