

Introduction

The [Scottish Court Service \(SCS\)](#) is an independent, statutory body responsible for the day to day running of the courts and the Office of the Public Guardian in Scotland

It is governed by a corporate board which is chaired by the Lord President, the most senior judge in Scotland. As Head of the Scottish Judiciary, [the Lord President](#) is also responsible for overseeing the efficient disposal of business in the courts and for the welfare, training and guidance of judges, sheriffs and other judicial office holders.

For more information visit www.scotcourts.gov.uk/courtsadmin/SCS.asp

The Scottish Court Service facilitates access to justice by providing the people, buildings and technology to support the operation of the courts, members of the judiciary and the [Office of the Public Guardian](#).

The [Scottish courts administered by the Scottish Court Service](#) are;

- [Supreme Courts of Scotland](#), made up of the Court of Session and the High Court of Justiciary,
- [Sheriff Courts](#), and
- [Justice of the Peace Courts](#).

Supreme Courts in Scotland

Court of Session

The [Court of Session](#) sits in Parliament House in Edinburgh and deals with major civil cases in Scotland including disputes between people and/or organisations. Cases are heard in the **Outer House** in the first instance, normally before a single judge. The **Inner House** deals primarily with appeals from the Outer House, sheriff courts and tribunals and has a minimum of three judges on the bench. A higher appeal lies with the [UK Supreme Court](#) or the [European Court of Human Rights](#) in Strasbourg.

The SCS supports the Court of Session through a number of departments including:

Petition Department – deals with applications relating to adoption, bankruptcy, company liquidation, judicial factors and judicial reviews, trusts, suspension and interdicts.

General Department – deals with ordinary actions initiated by a summons when one person sues another on matters including debt, damages or divorce.

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Extracts Department – issues official certified copies of court orders enabling judgments to be enforced.

Office of the Keeper of the Rolls – schedules Court of Session business and produces daily and weekly timetables of court business.

For more information visit www.scotcourts.gov.uk/session/index.asp

High Court of Justiciary

The High Court, which has jurisdiction over the whole of Scotland, sits full time in Edinburgh, Glasgow and Aberdeen. It also sits temporarily in other cities or towns in sheriff court buildings and deals with the most serious criminal cases including murder, culpable homicide, rape, armed robbery and drug trafficking. These are heard before a judge and jury of 15 randomly selected members of the public. Following a guilty verdict the court may impose unlimited fines and life imprisonment. The High Court in Edinburgh is also the Court of Appeal for criminal cases. The SCS supports the work of the High Court primarily through the Justiciary Office which has responsibility for providing clerks of court, scheduling court business, managing jurors and processing court records.

For more information visit www.scotcourts.gov.uk/justiciary/just_office.asp

Sheriff Courts

Most of the civil and criminal business in Scotland is handled by the sheriff courts where the majority of SCS staff are employed. The 49 sheriff courts in Scotland are divided into six geographical sheriffdoms. Each sheriffdom has a sheriff principal who, in addition to hearing appeals in civil matters, has overall responsibility for the disposal of court business within the sheriffdom. The work of the courts is divided into three main areas - Civil, Criminal and Commissary - and is administered by local sheriff clerks and their staff.

Civil

This area of business deals mainly with disputes between people and/or organisations and is divided into three main categories:

Ordinary Actions - involving divorce, children, property disputes and payment of debt

Summary Causes - involving disputes over rent, delivery of goods and debt

Small Claims - a fairly informal procedure for minor disputes which often proceed without solicitors.

Other civil business includes applications relating to adoption of children, liquidation of companies, and bankruptcies.

Commissary

This area of business principally relates to the issue of authority to people acting as executors in order to distribute a deceased person's estate.

Criminal

Cases are divided into two categories generally by the severity of the charge:

Solemn – more serious cases where trials are heard before a sheriff and jury and where custodial sentences of imprisonment or detention can be up to five years and an unlimited fine.

Summary – cases on summary charges heard before a sheriff without a jury. Unless otherwise stated in legislation, fines are limited to £10,000 and imprisonment or detention is limited to 12 months.

Fatal Accident Inquiries

A Fatal Accident Inquiry (FAI) is held at the instruction of the Procurator Fiscal following a death in the workplace or fatal accident where an Inquiry is deemed to be in the public interest.

For more information visit www.scotcourts.gov.uk/sheriff/index.asp

Justice of the Peace Courts

These criminal courts are presided over by a Justice of the Peace (JP) who is not legally qualified but supported and advised by a legally qualified clerk of court. Justices may sit alone or with a bench of two or three. There are 50 Justice of the Peace courts throughout Scotland. Unless stated in legislation, the maximum sentencing power is 60 days imprisonment or a £2500 fine. The Justice of the Peace Court in Glasgow also has stipendiary magistrates who are legally qualified and exercise the same sentencing powers as sheriffs in summary criminal cases.

For more information visit <http://www.scotcourts.gov.uk/jp/index.asp>

SCS Headquarters

The SCS headquarters is based in Edinburgh and provides corporate, strategic and support services. These include finance, procurement, policy and strategy, IT, Human Resources, Estates and property, communications and secretariat support to the [SCS Board](#).

For more information on SCS visit www.scotcourts.gov.uk/courtsadmin/scs.asp

Judicial Office

[The Judicial Office for Scotland](#) was created to provide support to the Lord President in his role as Head of the Scottish Judiciary and incorporates the Lord President's Private Office, the staff of the Judicial Studies Committee and judicial communications. Functions of the Office range from providing legal and administrative advice and support to the Lord President, to providing media and communications advice and support to all judicial office holders.

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For more information visit www.scotland-judiciary.org.uk/23/0/Judicial-Office-for-Scotland

Accountant of Court's Office

This office, based in Falkirk, supervises individuals appointed by the courts to manage the estates of children under the age of 16 and other estates where there is disagreement between interested parties. The Accountant also administers money required to be held by the court.

For more information visit www.scotcourts.gov.uk/session/accountant.asp

Office of the Public Guardian

The Accountant of Court is also the Public Guardian. [The Office of the Public Guardian \(OPG\)](#) in Scotland has a general function to supervise those individuals who have been appointed to manage the affairs of adults who lack the capacity to do so for themselves. The office is based in Falkirk and covers the whole of Scotland.

The OPG has a range of functions under the Adults with Incapacity (Scotland) Act and provides information, advice and guidance with regard to Powers of Attorney, Access to Funds, Guardianship and Intervention Orders, and investigations.

For more information about the Public Guardian visit www.publicguardian-scotland.gov.uk

More information

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