



GUIDANCE FOR COURT USERS

SHERIFF AND JUSTICE OF THE PEACE COURTS

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 11 May 2021.

This guidance will have effect from 17 May 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, unless a plea of guilty is to be tendered. 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 17 May 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 The sheriff clerk will set a maximum capacity for each court room having regard to the number of witnesses, the number of trials which involve an accused person in custody and the need for physical distancing. In respect of all trials assigned to a diet on or after 17 May 2021, the sheriff presiding over the intermediate diet will:

(a) continue to trial those trials which can be accommodated in the court building;

(b) give priority to trials which involve allegations of domestic abuse or child witnesses; and

(c) adjourn all other trial diets to a suitable date.

3.2 Cited Courts/Undertakings

3.2.1 Cited courts and Undertakings will call as programmed in accordance with the current arrangements in each Sheriffdom. Practitioners are encouraged to lodge and intimate letter pleas wherever possible.

4. Intermediate Diets

4.1 Intermediate diets will call as programmed in accordance with the current arrangements in each Sheriffdom. 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.

5. Remand/Sentencing Courts

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

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 the week commencing 7 June 2021. Local arrangements will be made to process letter pleas where possible. The number of trials calling will be limited to the maximum capacity, set by the sheriff clerk, for each court room, having regard to the number of witnesses, the number of trials which involve an accused person in custody and the need for physical distancing.

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. Guidance on the resumption of Civil Jury Trials has been issued and is available on the SCTS website. Guidance on the conduct of business in ASSPIC is being updated and consolidated. This will be issued and posted on the website shortly.

SHERIFF APPEAL COURT

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

