

# 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. The measures announced by the Scottish Government on 4 January 2021 require that the business which can be conducted in the courts must continue to be restricted as set out below.

This guidance will have effect from 1 March 2021 to 31 March 2021 and will be reviewed on 5 March 2021.

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 March 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*”<sup>1</sup>. 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 between 1 March and 31 March 2021.

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

3.1.3 Trials scheduled to call between the period from and including 1 March to and including 12 March 2021 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 two such trials calling in a trials court each day. Local arrangements will be made to notify parties of those trials which will proceed.

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<sup>1</sup> <http://www.scotcourts.gov.uk/docs/default-source/default-document-library/attendance-by-electronic-means.pdf?sfvrsn=0>

3.1.4 In respect of all trial diets not falling within the terms of paragraph 3.1.3, 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 two such trials in a trials court each day and (b) adjourn all other trial diets to a suitable date.

3.1.5 The maximum number of trials specified in paragraphs 3.1.3 and 3.1.4 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 No Cited Courts will sit in the period from and including 1 March 2021 to and including 31 March 2021. Arrangements will be made in each Sheriffdom to process 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 3.1.3 above and which otherwise would have called in the period from and including 1 March to and including 12 March 2021, 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<sup>2</sup>. Local arrangements will be made in each Sheriffdom for those intermediate diets which require to call.

### **Remand/Sentencing Courts**

3.4.4 All sentencing diets will proceed and the accused will require to attend, unless otherwise advised by the court.

3.4.5 With the exception of any matter in respect of which the accused is in custody, all business in the problem solving courts (such as the Alcohol or Drug courts) will be administratively adjourned.

### **JUSTICE OF THE PEACE COURTS**

4.1 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. Local arrangements will be made to process letter pleas where possible.

### **CIVIL BUSINESS**

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

5.2 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.

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<sup>2</sup> <http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/practice-notes/criminal-courts/criminal-courts-practice-note-no-4-of-2020-summary-criminal-business-with-sheriff-courts-further-provision-regarding-intermediate-diets-etc.pdf?sfvrsn=4>

## **FAIs**

6. Preliminary Hearings and Fatal Accident Inquiries will be conducted remotely.

## **ASSPIC**

7. Current arrangements for business in the All Scotland Sheriff Personal Injury Court will continue to apply.

## **SHERIFF APPEAL COURT**

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