



GUIDANCE FOR SUPREME COURT USERS

The purpose of this guidance is to set out arrangements for the disposal of proceedings in the Supreme Courts and the Scottish Land Court during the ongoing COVID-19 pandemic.

In January 2021 the following measures were put in place to regulate the business before the Supreme Courts and the Scottish Land Court and would take effect from Tuesday 12 January and were to remain in place until 26 February, subject to a review on 15 February 2021.

Having regard to the continued high transmission levels of the virus and the impact of new variants, these restrictions will now be extended until 31 March 2021. These arrangements will be reviewed on 5 March 2021.

This guidance has been prepared in consultation with the Lord President and the Lord Justice Clerk.

Measures in place

1. The High Court of Justiciary

1.1 Bail appeal court

The bail appeal court will continue to hear cases under the existing arrangements. Hearings will call on the dates assigned.

1.2 High Court adjourned diets (for sentence)

All sentencing diets, including diets assigned in terms of section 76 of the Criminal Procedure (Scotland) Act 1995 will call on the dates assigned. Custody accused will appear by video link. Bail accused should attend court unless their attendance has been excused.

1.3 Preliminary and continued preliminary hearings

All preliminary and continued preliminary hearings will call on the dates assigned unless adjourned administratively. Custody accused will appear by video link. Bail accused should not attend court unless a plea of guilty is to be tendered.

1.4 High Court trials

All solemn trials will call on the dates assigned or within the float period, under existing arrangements, using the remote jury centres. There will be no change to scheduled jury sittings.

1.5 Evidence on Commission hearings and miscellaneous business

All hearings will call on the dates assigned.

1.6 Criminal appeal court

The Criminal Appeal court will continue to hear cases under the existing arrangements. Hearings will call on the dates assigned.

2. Court of Session

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

There will be a presumption that hearings which require the leading of evidence will also be conducted remotely. Only in exceptional circumstances, where physical distancing restrictions can be adhered to and where evidence cannot be led remotely or it is considered detrimental and undesirable in all of the circumstances to be led remotely, will the physical presence of witnesses be permitted.

3. Scottish Land Court

All hearings which do not require the leading of evidence will, wherever possible and unless otherwise directed by the court, continue to be conducted by virtual means remotely.

There will be a presumption that hearings which require the leading of evidence will also be conducted remotely. Only in exceptional circumstances, where physical distancing restrictions can be adhered to and where evidence cannot be led remotely or it is considered

detrimental and undesirable in all of the circumstances to be led remotely, will the physical presence of witnesses be permitted.