

Scottish Courts and Tribunals Service



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Dear Mr Mundell

SCOTTISH PARLIAMENTARY QUESTION S5W-34286

The Cabinet Secretary in his response to the above PQ indicated that it related to operational matters within the responsibility of the Scottish Courts and Tribunals Service (SCTS) corporate body. I am now writing in response to the matter raised.

S5W-34286 asks: To ask the Scottish Government, in light of recent COVID-19 developments, whether it will reconsider its proposals to move trials from Dumfries Sheriff Court.

Throughout the COVID-19 Pandemic, the health and safety of all court users has been paramount. All SCTS courts have been able to operate safely by rigorously following Public Health Scotland guidance to minimise the spread of Coronavirus. This has been challenging and has required considerable co-operation and sacrifice by all those involved in justice to keep courts open throughout the pandemic.

It has not been possible to conduct sheriff court jury trials since March 2020 because of the strict physical distancing measures required. This has had a significant detrimental impact on victims, witnesses and accused alike.

Under the leadership of the Lord Justice Clerk, the SCTS have worked with the judiciary, legal profession and 3rd sector to introduce highly innovative remote jury centres within cinema complexes. This is an incredibly complex technical solution both to install, service and operate on an ongoing basis. It is not one that can be replicated in every court in Scotland. Therefore we have had to take decisions to create remote jury centres in each Sheriffdom, linked to a smaller number of courts.

Of our 39 Sheriff Courts, 16 are linked to remote jury centres, with jury trials from the remaining 23 courts being transferred to allow their resumption at close to pre-COVID-19 levels. In respect of Dumfries and Stranraer this equates to an average of 2.5 evidence-led jury trials being transferred each month.

The importance of justice delivery has been recognised by the Scottish Government, who have determined that courts and tribunals should remain open as essential services, across all 5 of the protection levels set out in the current Strategic Framework. Regulations which came into force on 20 November provide that travel to participate in legal proceedings falls within the category permitted and the associated Scottish Government guidance is quite explicit – stating that “travel for attendance at court, including a remote jury centre” falls within the permitted reasons for entering or leaving a level 3 or level 4 area.

In order to significantly minimise the need for travel, there will be no need for jurors to travel from the Dumfries or Stranraer districts to attend the Remote Jury Centre in Ayr. Jurors attending the Remote Jury Centre in Ayr will be cited from Ayr’s jurisdiction. Similarly, where the Defence and the Crown agree, and the Sheriff has determined it is appropriate, witnesses can give evidence remotely from Dumfries or Stranraer Sheriff Court to avoid the need to travel to Ayr.

The solution being deployed to enable the solemn jury trials to recommence is not a business as usual solution. It is an innovative solution that allows the re-start of jury trials after a 10 month absence. However, this is a temporary solution to deal with the consequences of COVID-19 – balancing safety and proportionality. As soon as restrictions are removed jury trials will be returned to Dumfries and Stranraer.

The operation of the remote jury centres will be kept under constant review and we are already considering options on how this might be extended this year to deal with an increasing backlog, depending on the likely requirements for continued physical distancing.

A copy of this letter will be placed in the Scottish Parliament Information Centre and published on the Scottish Courts and Tribunals Service website.

Yours sincerely



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