

# Scottish Courts and Tribunals Service



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Dear Ms Baker

**SCOTTISH PARLIAMENTARY QUESTIONS: S5W-11721, S5W-11722, S5W-11723, S5W-11724, S5W-11725, S5W-11726**

The Cabinet Secretary in his response to the above PQs indicated that they related to operational matters within the responsibility of the Scottish Courts and Tribunals Service (SCTS). I am now writing to you in response to the matters raised.

**S5W-11721** asks *how many criminal trials have been adjourned because of (a) a crown motion, (b) a defence motion, (c) failure to appear by an accused, (d) failure to appear by a witness, (e) lack of court time and (f) any other reason at each court in each of the last five years.*

**S5W-11722** asks *how many jury trials were called but adjourned because of a lack of court time at each court in each of the last five years.*

**S5W-11723** asks *how many summary procedures without a jury were called but adjourned because of lack of court time at each court in each of the last five years.*

**S5W-11724** asks *how many jury trials have taken place at each court in each of the last five years.*

**S5W-11725** asks *how many days each court has sat in each of the last five years.*

**S5W-11726** asks *how many indictments have been registered at each court in each of the last five years.*

I have appended our response to these questions in the tables in **Annex A** to this letter.

In addition to this, may I highlight a number of steps being taken forward by the SCTS, in collaboration with justice organisations to transform and modernise criminal justice in Scotland.

### **Access to Justice**

In supporting access to justice the SCTS is committed to providing the earliest possible date for summary trials. This is a challenging exercise and is complex by its nature as we need to predict and readjust based on the number of cases likely to proceed to evidence based trials. By the end of 2016-17 all summary courts achieved the agreed period of 16 weeks between a case first calling in court and the trial date, with lack of court time reducing from 6% to 5%.

Solemn cases have seen a reduction in the number of trials adjourned following the introduction on the Lord Presidents practice note in November 2015 which aimed to ensure a greater degree of judicial case management and control over the use of court time. The recently implemented solemn reforms, again designed to increase efficiency of the courts, are at an early stage and full data on the impact of these reforms will be available in 2018.

### **Transforming Summary Justice**

Working with the Justice Board, the SCTS has been responsible for taking forward significant work aimed at addressing a number of inefficiencies, including churn, within summary criminal court procedures. The proposals contained in the SCTS report 'A New Model for Summary Criminal Court Procedure' were discussed and tested at a series of roadshows throughout the summer attended by defence agents, voluntary organisations, the judiciary, COPFS, court staff and other justice organisations and members of the public. Further to this, the main opportunities and challenges were captured in a follow up report which was published on the 20 September 2017. Core proposals in the model include:

1. Pre-trial procedures should take place as part of a digital case management process and court hearings are only held to address unresolved issues with strong judicial case oversight to focus the trial on those areas of dispute
2. There should be no automatic setting of an intermediate diet and trial diet on a not guilty plea and witnesses cited only where a trial is ready and likely to proceed
3. Where a witness is cited, a digital update system keeps the witness informed and minimises inconvenience where possible
4. In appropriate cases where guilty pleas are tendered, sentencing could be conducted digitally without the need for the appearance of the accused in court.

The proposals align with the work that the Scottish Government is leading regarding the use of digital evidence and the newly published "Justice Strategy for Scotland".

In advance of changes required to legislation, the SCTS will begin some testing of the ideas and principles behind the proposals in early 2018. These may include the pilot of a practice note for summary criminal cases that will introduce judicial case management, encourage early engagement between parties to identify matters in

dispute and only fix trial diets when prosecution and defence are adequately prepared to proceed.

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

A handwritten signature in black ink, consisting of a stylized 'E' followed by a horizontal line that tapers to the right.

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