



**SHERIFFDOM OF LOTHIAN AND BORDERS
SHERIFF AND JUSTICE OF THE PEACE COURT**

**COVID – 19 ARRANGEMENTS
FOR SUMMARY CRIMINAL BUSINESS - UPDATE**

I, Sheriff Principal Mhairi M Stephen, QC, Sheriff Principal of Lothian and Borders, in exercise of my powers in terms of section 27 of the Courts Reform (Scotland) Act 2014 make the following arrangements in respect that it is necessary to restrict the business to be conducted in the Summary Criminal Courts within the Sheriffdom all in terms of the "Guidance for Court Users: Sheriff and Justice of the Peace Courts, the All Scotland Sheriff Personal Injury Court and the Sheriff Appeal Court" issued on 12 February 2021 by the Scottish Courts and Tribunal Service ([here](#)). All cases falling into the following categories will be adjourned administratively by the Sheriff Clerk in terms of section 137ZB of the Criminal Procedure (Scotland) Act 1995 ("the 1995 Act").

- (i) All cases calling in the miscellaneous or cited courts
 - (ii) All cases calling in the summary trials courts between 1 and 15 March 2021 (excepting those where the accused is in custody; part heard trials and certain priority cases which will be listed in a schedule provided to parties by the Sheriff Clerk). Cases calling for trial between 15 and 31 March will be subject to the procedure set out below.
1. Intermediate diets will call as programmed however as a matter of generality accused and defence agents should not appear in person unless notified by the court that a personal appearance is required. Intermediate diets will call in court where the accused is remanded in custody pending trial with the accused appearing by video link. Practitioners are encouraged to follow the terms of Practice Note No 4

of 2020 dated 1 December 2020. Where cases resolve as a result of that procedure local arrangements will be made for these cases to call in court for sentencing or other disposal.

2. At the intermediate diet the sheriff will determine which cases with trial diets fixed between 15 and 31 March will proceed as priority trials along with cases where the accused is in custody. Any remaining cases with trial diets fixed during this period will be administratively adjourned.
3. When the Sheriff Clerk exercises the court's powers and terms of section 137ZB of the 1995 Act a schedule with the new dates will be intimated on the relevant Court Website and by electronic means to parties and local Faculties/Edinburgh Bar Association. New diets will be issued by the Sheriff Clerk having regard to the local court programmes in each of the Courts in the Sheriffdom.
4. Business scheduled in the Justice of the Peace Courts within the Sheriffdom for the period 1 - 31 March 2021 (both dates inclusive) will be administratively adjourned with arrangements to deal with letter pleas and urgent applications in accordance with paragraphs 5 and 6 below.
5. Although no cited or miscellaneous courts will sit in the period 1 - 31 March 2021 where letter pleas of guilty have been tendered the court in accordance with the powers set out in section 137ZB of the 1995 Act will, of its own accord, discharge any diet fixed for the calling of the case and will of new fix a diet to allow such cases to call for the purpose of sentencing or further procedure. Further arrangements will be intimated for the processing of letter pleas in each of the Courts in the Sheriffdom.
6. Where there is a compelling reason for a case to call before a sheriff or, as the case may be, before a summary sheriff in respect of JP business, practitioners may lodge an incidental application in terms of section 137 of the 1995 Act.

Mhairi M Stephen

Sheriff Principal Mhairi M Stephen QC
Sheriff Principal of Lothian and Borders

Edinburgh, 25 February 2021