

Sheriffdom of North Strathclyde

Coronavirus

Guidance in respect of Criminal Business

No. 3 of 2020

This guidance sets out further arrangements for the management of summary criminal business in the Sheriffdom of North Strathclyde.

Sheriff Court Summary and Justice of the Peace Court Business.

Cited Courts

1. As a result of the coronavirus pandemic, cases calling in the cited courts across the sheriffdom have been continued administratively for 28 days on rolling basis. In cases where an accused wishes to plead not guilty accused or their solicitor are encouraged to submit a letter plea to that effect.
2. In accordance with the power vested in me in terms of section 137AA of the Criminal Procedure (Scotland) Act 1995, I hereby order
 - (1) the transfer to Paisley Sheriff and Justice of the Peace Court of all proceedings in summary cases (where the accused has intimated a letter plea of Not Guilty to the Prosecutor) due to call at a diet in the following courts, videlicet: Greenock Sheriff and Justice of the Peace Court and Dumbarton Sheriff and Justice of the Peace Court, and the adjournment to a diet of Paisley Sheriff and Justice of the Peace Court on the same date as the diet initially assigned at the original court;
 - (2) the transfer to Kilmarnock Sheriff and Justice of the Peace Court of all proceedings in summary cases (where the accused has intimated a letter plea of Not Guilty to the Prosecutor) due to call at a diet in the following courts, videlicet: Campbeltown Sheriff and Justice of the Peace Court Court, Oban Sheriff and Justice of the Peace Court Court, Lochgilphead Justice of the Peace Court and Dunoon Sheriff and Justice of the Peace Court, and adjournment to a diet of Kilmarnock Sheriff Court on the same date as the diet assigned at the original court.

Letter Pleas of Not Guilty

3. From 8 June 2020, in all cases calling on an assigned date for a cited court in Paisley Sheriff and Justice of the Peace Court or Kilmarnock Sheriff and Justice of the Peace Court; which for the avoidance of doubt includes those cases which have previously been “continued without plea” in terms of my previous order and or transferred to Paisley Sheriff and Justice of the Peace Court or Kilmarnock Sheriff and Justice of the Peace Court these courts by this order, where a letter plea of not guilty has been

received by the Prosecutor, these letter pleas of not guilty will be placed before the court, in terms of section 144(3ZB) of the Criminal Procedure (Scotland) Act 1995 to record the plea of not guilty and for the court to assign an intermediate diet and trial diet, which will thereafter be intimated to the accused or his / her solicitor by the Sheriff Clerk's Office.

4. Where an intermediate diet and trial diet trial are ordered for cases which have been transferred to Paisley Sheriff and Justice of the Peace Court or Kilmarnock Sheriff and Justice of the Peace Court by virtue of this order, I further order in accordance with the power vested in me in terms of section 137AA of the Criminal Procedure (Scotland) Act 1995 that those cases are transferred back to the court from which they have been transferred in order that further procedure including the intermediate diet and trial diet shall take place in the court where the proceeding were commenced.

Letter Pleas of Guilty

5. Regard should be had to the Guidance in respect of "Facilitating Pleas of Guilty in Summary Criminal Proceedings" published on the SCTS website. A court shall be convened to consider guilty pleas submitted in terms of that guidance, in Kilmarnock Sheriff and Justice of the Peace Court on Tuesdays commencing Tuesday 19 May 2020 and in Paisley Sheriff and Justice of the Peace Court commencing on Wednesday 20 May 2020 and on subsequent Tuesdays in Kilmarnock Sheriff and Justice of the Peace Court and subsequent Wednesdays in Paisley Sheriff and Justice of the Peace Court until further notice.
6. Where the prosecutor has received an acceptable plea from an unrepresented accused the prosecutor shall if necessary make an application for the transfer of proceedings in terms of section 137A to transfer the case from a closed court to Kilmarnock Sheriff and Justice of the Peace Court or Paisley Sheriff and Justice of the Peace Court and an application in terms of section 134 of the Criminal Procedure (Scotland) Act 1995 to for such a case to call in Kilmarnock Sheriff and Justice of the Peace Court or Paisley Sheriff and Justice of the Peace Court on an appropriate Tuesday or Wednesday court as the case may be.
7. This Order comes in to force on 18 May 2020 and will endure until and including 1 August 2020 or such later date as may be separately ordered.

D L Murray WS

Sheriff Principal

18 May 2020