



## **SHERIFFDOM OF SOUTH STRATHCLYDE, DUMFRIES AND GALLOWAY**

### **COVID 19: GUIDANCE ON THE MANAGEMENT OF CRIMINAL BUSINESS**

#### **1. Introduction**

- 1.1 This guidance sets out the arrangements for the management of criminal business in the Sheriffdom of South Strathclyde, Dumfries and Galloway. It supersedes "*Covid 19: Guidance on the Management of Criminal Business*" dated 10 July 2020.
- 1.2 This guidance will be subject to on-going review.

#### **2. Solemn Business**

- 2.1 No jury trials will commence until further notice. The timing of citation of jurors continues to be reviewed however it is not expected to commence before September 2020.
- 2.2 First diets and solemn trials will continue to be re-fixed in terms of Section 75C of the Criminal Procedure (Scotland) Act 1995 for those cases due to call in the month of August 2020 where a plea of not guilty is maintained.

### 3. Sheriff Court Summary and Justice of the Peace Court Business

#### 3.1 Custody Courts

Custody courts will continue to sit in Airdrie, Ayr, Dumfries and Hamilton Sheriff and Justice of the Peace Courts. Custody business emanating from Lanark Sheriff and Justice of the Peace Court will continue to be heard at Airdrie Sheriff and Justice of the Peace Court. Custody business emanating from Stranraer Sheriff and Justice of the Peace Court will continue to be heard at Dumfries Sheriff and Justice of the Peace Court.

The attention of practitioners is drawn to the *“Guidance in relation to Remote Hearings – Attendance by Electronic Means for Custody Cases”*<sup>1</sup>. Practitioners are encouraged to make use of the facility for remote representation wherever possible.

#### 3.2 Undertakings

Undertaking Courts are scheduled to take place in each Court on the following day(s) each week:

Airdrie:	Tuesday, Wednesday, Thursday and Friday
Ayr:	Monday
Dumfries:	Tuesday
Hamilton:	Daily
Lanark:	Wednesday
Stranraer:	Wednesday

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<sup>1</sup> <http://www.scotcourts.gov.uk/docs/default-source/default-document-library/attendance-by-electronic-means.pdf?sfvrsn=0>

Time slots for undertakings will be intimated in advance of the hearing. Those who attend must comply with the requirements of paragraph 4 below.

### 3.3 Cited Courts

Cited courts have recommenced with effect from 1 July 2020. Accused persons should not attend unless expressly directed by the court to do so. Those who attend must comply with the requirements of paragraph 4 below.

### 3.4 Intermediate Diet Courts

Intermediate diet courts have recommenced with effect from 1 July 2020. Time slots for intermediate diet cases will be allocated in advance of the hearing. Accused persons should not attend unless expressly directed to do so by the court. Those who attend must comply with the requirements of paragraph 4 below.

The attention of practitioners is drawn to the terms of the "*Criminal Courts Practice Note No.2 of 2020*"<sup>2</sup> in relation to the conduct of intermediate diets. Written records must be lodged by no later than close of business two clear working days prior to the intermediate diet.

In respect of all trials which were administratively adjourned on or after 23 March 2020 and in which intermediate diets had already taken place (with no continued intermediate diet assigned) prior to 23 March 2020, further intermediate diets will be assigned to (a) allow the parties to address the court on their preparedness for trial and (b) to allow the court to make arrangements for the timing of trial diets and the attendance of witnesses in order to ensure compliance with social distancing requirements. The terms of the "*Criminal Courts Practice Note No 2 of 2020*" shall apply to all such intermediate diets.

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<sup>2</sup> <https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/practice-notes/criminal-courts/criminal-courts-practice-note-no-2-of-2020.pdf?sfvrsn=4>

### 3.5 Summary Trials

The administrative re-fixing of summary trials ceased on 1 July 2020. Summary trials have re-commenced with effect from 1 July 2020.

The accused will be expected to appear at 10 a.m. unless otherwise advised to attend for a particular time slot. Those who attend must comply with the terms of paragraph 4 below.

### 3.6 Pleas of Guilty in Summary Cases

In summary proceedings in which a diet has been discharged administratively and in which the solicitor for the accused and the prosecutor have agreed a plea of guilty (and the facts on which that plea proceeds) the *“Guidance on Facilitating Pleas of Guilty in Summary Criminal Proceedings Sheriff and JP Courts”*<sup>3</sup> should be followed.

### 3.7 Remand Courts

Remand courts have recommenced with effect from 1 July 2020. Accused persons must attend personally. The accused will be expected to appear at 10 a.m. unless otherwise advised to attend for a particular time slot. Those who attend must comply with the terms of paragraph 4 below.

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<sup>3</sup> <http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/coronavirus-temp-orders/coronavirus-miscellaneous/guidance-on-facilitating-pleas-of-guilty-in-summary-criminal-proceedings-05-06-20.pdf?sfvrsn=8>

#### **4. Time Slots/Physical Attendance at Court Buildings**

- 4.1 To ensure compliance with social distancing measures, the number of persons who can be accommodated in the court buildings at any one time requires to be restricted.
- 4.2 Where no specific time slot has been allocated, accused persons should arrive at the required court building no later than 10 a.m. and may be required to remain outside the court building until permitted entry by court staff.
- 4.3 Where a time slot has been allocated practitioners should advise their clients of the allocated time slot as soon as reasonably practicable to ensure their attendance at the allocated time. Unless otherwise directed, practitioners and accused persons shall arrive at the relevant court room no earlier than 10 minutes before the time scheduled for their case(s). Practitioners and accused persons who arrive early or late may be refused admission to the court room.
- 4.4 The allocation of time slots will be kept under review. Where practitioners are appearing for multiple cases, every effort will be made by the clerk to have those cases call consecutively, however this may not always be possible. Practitioners should alert clerks when time slots are being assigned if they have existing business on the same day in the same court building to assist programming their cases consecutively.



**Sheriff Principal Aisha Y Anwar  
Sheriffdom of South Strathclyde, Dumfries and Galloway**

**29 July 2020**