



SHERIFFDOM OF TAYSIDE CENTRAL AND FIFE
The Summary Case Management Pilot Project – Perth Sheriff Court

Practice Note No 1 of 2024

This Practice Note takes effect from 13 May 2024

Introduction

[1] Practice Note No 2 of 2022 issued by the Lord Justice General on 1 September 2022 makes provision for summary criminal complaints which fall within the ambit of the Summary Case Management Pilot (SCM Pilot) in Dundee, Hamilton and Paisley Sheriff Courts.

[2] This Practice Note extends the SCM Pilot to all summary complaints involving charges of domestic abuse¹ in which the first calling (pleading diet) occurs on or after 13 May 2024 in Perth Sheriff Court.

[3] Proper judicial control over the use of court time is an important part of the entitlement to a fair and public hearing within a reasonable time. Sheriffs therefore have a duty to manage actively all stages of summary criminal proceedings.

[4] The objective of this Practice Note is to pilot, in Perth Sheriff Court, measures designed to promote greater efficiency and the better use of available resources. It provides guidance on the practices, which the Crown and the defence will be expected to adopt, to enable the sheriff to perform an active case management role, at the first calling or at any continued without plea diet. The SCM Pilot will focus upon early disclosure and early judicial case management in order to reduce the number of cases proceeding unnecessarily to a trial diet. The measures introduced by the SCM Pilot will allow the accused to be better informed and advised of the case against him or her before he or she is called upon to tender a plea.

[5] This Practice Note will not apply to cases in which the accused is unrepresented at first calling or at any continued without plea diet. It will not apply to those accused who have been

¹ charges under the Domestic Abuse (Scotland) Act 2018 and any charges with a domestic abuse aggravation

remanded in custody for trial at the first calling.

Pre-Appearance

[6] In relation to all summary complaints involving charges of domestic abuse, key evidence will be received by the Crown from the police, and will be disclosed to the defence, prior to the first calling (whether an accused is appearing from custody, on an undertaking or is cited to attend court). Key evidence is the evidence required for proof of the offence such as a statement from the complainer or other eye-witnesses, photographs, video evidence and any available forensic evidence. The disclosable summary of evidence will be intimated by the Crown to the defence prior to the first calling.

[7] The summary of evidence and the disclosure of key evidence will allow the defence to engage meaningfully with the Crown to facilitate early pleas of guilty, failing which, to prevent the unnecessary citation of witnesses in relation to evidence which is capable of agreement. It will facilitate early and meaningful judicial case management. The court will assume that, in every such case, there is either scope for resolution of the case or for the agreement of evidence.

[8] As disclosable evidence cannot be made available unless the Crown is in receipt of a letter of engagement, defence agents will be expected to submit letters of engagement to the Crown immediately upon receiving instructions to represent an accused.

[9] In order to maximise the effectiveness of the pilot and to secure its aims, letter pleas of not guilty are discouraged. Appearances are necessary to allow judicial case management at the first calling (or at any continued without plea diet) in all cases that are not immediately resolved by a plea of guilty.

First calling (Pleading diet) in domestic abuse cases

[10] At the first calling of cases involving charges of domestic abuse, the court will expect the accused to provide his or her agent with sufficient instructions to allow the agent to:

- (a) comply with the terms of this Practice Note;
- (b) comply with the terms of section 257 of the Criminal Procedure (Scotland) Act 1995; and

- (c) provide the court with sufficient information for the completion of a case management note,

failing which the case will be continued without plea in terms of section 145 of the 1995 Act for a period of up to 3 weeks, without the court calling upon the accused to tender a plea.

Judicial Case Management

[11] A copy of the disclosable summary of evidence will be provided to the sheriff. The court will expect agents to have discussed the summary of evidence and any key disclosure material with their clients prior to a first calling or, if the case is continued in terms of paragraph 10 above, prior to any continued without plea diet.

[12] At a first calling (or, if the case is continued in terms of paragraph 10 above, at any continued without plea diet), the court will expect the Crown and the defence to have fully explored the possibility of resolution of the case without the need for a trial. If a plea of not guilty is tendered, the sheriff will take a proactive approach to case managing the proceedings. The sheriff will complete a case management note in the form set out in the schedule to this Practice Note. The Crown and the defence will be expected to provide the sheriff with sufficient information to enable the sheriff to ascertain the matters set out in the case management note. The Crown and the defence will be expected to have resolved any outstanding issues of disclosure or legal aid and will be expected to be in a position to address the court on dates to avoid for trial.

[13] Upon completion of the case management note, a trial diet will be assigned. Intermediate Diets and Pre-Intermediate Diet Meetings will be dispensed with unless the sheriff considers that an Intermediate Diet is necessary.

[14] If after a trial diet has been assigned, an agreed plea of guilty is to be tendered, in order to ensure that cases do not call at a trial diet unnecessarily and witnesses are not inconvenienced, the court will expect the Crown and the defence to make an appropriate application in terms of section 137 of the Criminal Procedure (Scotland) Act 1995 to bring this to the attention of the court.

[15] As each case will have been subject to early judicial case management, there will be an expectation that trials will proceed. The Crown and the defence will be expected to lodge an application in terms of sections 134 or 137 of the Criminal Procedure (Scotland) Act 1995

in the event that an adjournment of the trial diet is sought. Motions to adjourn on the date of the trial diet should be avoided. When considering whether to grant or refuse any motion to adjourn, the sheriff will have regard to the information contained in the case management note.

Sheriff Principal G Wade KC

Perth, 24 April 2024

Schedule: Pro forma Case Management Note

PF v _____

CASE MANAGEMENT NOTE

Sheriff: _____

(TO BE COMPLETED IN CAPITAL LETTERS)

Issue	Crown	Defence
PART 1 - PREPARATION		
1. Are there any disclosure issues? If so, provide details.		
2. Are there any further inquiries? If so, provide details.		
3. Do the defence wish to record any plea of guilty which has not been accepted by the crown to preserve any potential sentence discount?		
PART 2 - FOCUSING ISSUES		
1. What can be agreed and joint minuted? - Identification? - Police Interviews? - Police and other witnesses? - Medical evidence? - SOUE? (Hearing required?) - Other?		
2. Issues in dispute? - Identity? - Actus reus? - Mens rea? - Special defence? - Statutory defence?		
PART 3 – PRACTICAL ISSUES		
Are there any practical issues to be addressed:- - Vulnerable witnesses? - Equipment required? - Interpreters? - Length of Trial? - Dates to avoid? - Other?		
Any other relevant matters: [Please use reverse to record any additional notes as required]		