



SHERIFFDOM OF TAYSIDE, CENTRAL AND FIFE

COVID 19: GUIDANCE ON THE MANAGEMENT OF CRIMINAL BUSINESS

No. 5 of 2020

1. **Introduction**

- 1.1 This guidance sets out the arrangements for the management of criminal business in the Sheriffdom of Tayside, Central and Fife.
- 1.2 This guidance will be subject to on-going review. It replaces Covid 19: Guidance on the Management of Criminal Business No. 4 of 2020.

2. **Solemn Business**

- 2.1 Jury trials will re-commence but not before 24 January 2021.
- 2.2 From 1 December 2020 some first diets and trials where the accused is on bail will call in court on the application of the Crown. The attendance of the accused at first diet is excused unless the court directs otherwise. The Court will continue to re-fix the remainder of first diets and trials where the accused is on bail in terms of Section 75A and Section 75C of the Criminal Procedure (Scotland) Act 1995 where a plea of not guilty is

maintained. First diets and trials where the accused is in custody will be called in court.

- 2.3 Indictment cases calling for the purposes of a plea by way of section 76 of the Criminal Procedure (Scotland) Act 1995, evidential hearings (other than trials), debates and evidence on commission will continue to call in the hub courts based at Dundee, Falkirk and Kirkcaldy Sheriff Courts. Indictment cases emanating from Forfar and Perth will continue to call at Dundee. Indictment cases emanating from Alloa and Stirling will continue to call at Falkirk. Indictment cases emanating from Dunfermline will continue to call at Kirkcaldy.
- 2.4 From 1 January 2021 Perth will re-commence the calling of indictment cases.

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

3.1 Custody Courts

Custody courts will continue to sit in the hub courts based at Dundee, Falkirk, Kirkcaldy and Perth Sheriff and Justice of the Peace Courts. Custody business emanating from Forfar will continue to be heard at Dundee. Custody business emanating from Dunfermline will continue to be heard at Kirkcaldy. Custody business emanating from Stirling and Alloa will continue to be heard at Falkirk. Custody business emanating from Perth will continue to be heard in Perth.

The attention of practitioners is drawn to the "Guidance in relation to Remote Hearings — Attendance by Electronic Means for Custody Cases.

<http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/coronavirus-temp-orders/coronavirus-miscellaneous/attendance-by-electronic-means-04-06-2020.pdf?sfvrsn=2>

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 the undernoted Courts on the undernoted day(s) each week:

Alloa:	Thursday
Dundee:	Tuesday and Thursday
Dunfermline:	Wednesday and Thursday
Falkirk:	Wednesday and Friday
Forfar:	Tuesday
Kirkcaldy:	Tuesday, Thursday and Friday
Perth:	Friday
Stirling:	Tuesday, Wednesday and every second Friday

Those who attend must comply with the requirements of paragraph 4 below.

3.3 Cited Courts

Accused persons should not attend unless expressly directed by the court to do so. It is expected that wherever possible pleas will be tendered in writing and agents will attend court only when absolutely necessary. Those who attend must comply with the requirements of paragraph 4 below.

3.4 Intermediate Diet Courts

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. 4 of 2020" <http://www.scotcourts.gov.uk/rules-and-practice/practice-notes/criminal-courts-practice-notes-and-directions/practice-note-4-of-2020> in relation to the conduct of intermediate diets, and also to Covid 19: Guidance on the Management of Criminal Business No. 6 of 2020 (Intermediate Diets).

3.5 Summary Trials

The administrative re-scheduling of summary trials ceased on 6 July 2020.

The Crown will assign summary trials to agreed time slots to ensure witnesses attend at staggered intervals.

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 Remand Courts

Remand courts have recommenced with effect from 31 August 2020.

Accused persons must attend personally. The accused will be expected to appear at 10 a.m. unless otherwise advised. Those who attend must comply with the terms of paragraph 4 below.

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 will 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. 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).
- 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 Marysia Lewis

Sheriffdom of Tayside, Central and Fife

Perth, 25 November 2020