



## SHERIFFDOM OF TAYSIDE CENTRAL AND FIFE

### ORDER

#### IN RESPECT OF SOLEMN AND SUMMARY CRIMINAL BUSINESS

by Sheriff Principal M W Lewis

No. 9 of 2020

**Sheriff Court and Justice of the Peace Court: New custody cases and indictment cases continuing to call at hub courts; transfer of summary new custody cases thereafter to originating court and arrangements for resolution of cases and letters pleading not guilty**

This Order does 3 things with effect from 1 July 2020:

- (1) It maintains the calling of "new custody cases" (first appearance from custody or appearance after arrest on a warrant) and indictment cases at the Dundee and Falkirk hub courts.

Dunfermline cases in these categories continue to call at the Kirkcaldy hub court in accordance with "Order in respect of Summary Criminal Business No 7 of 2020" dated 28 May 2020 ("Order No 7") and "Order in respect of Solemn and Summary Criminal Business No 8 of 2020" dated 9 June 2020.

(2) It transfers “new custody cases” in summary proceedings where further diets are fixed from the hub court back to the originating court (i.e. the formerly closed court where the case would ordinarily have called).

(3) It confirms the arrangements for letter pleas of guilty and not guilty in summary cases in all courts in the Sheriffdom now that formerly closed courts have re-opened.

All references to sections are to the Criminal Procedure (Scotland) Act 1995.

This Order is made pursuant to the powers vested in me in terms of sections 83ZA and 137AA.

This Order replaces “Order in respect of summary criminal business No 6 of 2020” dated 28 May 2020 (“Order No 6”) from 6 July 2020 as specified in Part 4 of this Order.

For the avoidance of doubt, this Order takes precedence over Order No 7 where that Order and this Order both apply to a case.

#### **Part 1 (indictment cases to continue to call at Dundee and Falkirk hub courts)**

From 1 July 2020 I hereby order the transfer to Dundee Sheriff Court of all proceedings on indictment assigned to call at a diet in Perth Sheriff Court from 1 July 2020 onwards and the adjournment of said proceedings to a diet at Dundee Sheriff Court on the same date as the diet to which the case is next to call or to such other diet as may be fixed by the court in terms of Section 75C or as the case may be Section 75A.

From 1 July 2020 I hereby order the transfer to Falkirk Sheriff Court of all proceedings on indictment assigned to call at a diet in Stirling Sheriff Court from 1 July 2020 onwards and the adjournment of said proceedings to a diet at Falkirk Sheriff Court on the same date as the diet to which the case is next to call or to such other diet as may be fixed by the court in terms of Section 75C or as the case may be Section 75A.

**Part 2 (new custody cases to continue to call at Dundee and Falkirk hub courts)**

From 1 July 2020, I hereby order the transfer to the court listed in column B of all cases where the accused has been apprehended, either in relation to a new offence or a warrant to apprehend, and is due to appear at a diet in relation to that apprehension (“new custody cases”) at the corresponding court listed in column A; and the adjournment to a diet of the court listed in column B on the same date as the diet initially assigned at the court listed in column A.

<b>Column A</b>	<b>Column B</b>
Forfar Sheriff and Justice of the Peace Courts Perth Sheriff and Justice of the Peace Courts	Dundee Sheriff and Justice of the Peace Courts
Alloa Sheriff and Justice of the Peace Courts Stirling Sheriff and Justice of the Peace Courts	Falkirk Sheriff and Justice of the Peace Courts

**Part 3 (all future dates fixed in summary new custody cases transferred to original court)**

From 1 July 2020 I hereby order the transfer of any new custody case in summary proceedings that has been transferred to Dundee, Falkirk or Kirkcaldy Sheriff and Justice of the Peace Courts (“the hub court”) on or after 1 July 2020 under either (i) Part 2 of this Order or (ii) Order No 7 back to the court from which the case was originally transferred (“the originating court”); and the adjournment to a diet of the originating court on the same date as the diet initially assigned at the hub court.

**Part 4 (letter pleas of guilty and not guilty in summary cases)**

For all summary cases due to call up to and including 5 July 2020, the procedures set out in Order No 6 will apply. For all summary cases due to call on or after 6 July 2020, the following procedures shall apply:

(A) Resolution of cases where the accused is represented

The court expects that the Crown and/or defence will inform the court if a case is capable of resolution as soon as possible. Regard should be had to the guidance in respect of

“Facilitating Pleas of Guilty in Summary Criminal Proceedings” published on the Scottish Courts and Tribunals’ website (taking account that there are no longer any hub or closed courts):

<https://www.scotcourts.gov.uk/docs/default-source/default-document-library/facilitating-pleas-of-guilty-in-summary-criminal-proceedings.pdf?sfvrsn=0>

If endorsement of a driving licence or disqualification may be imposed by the court and the defence wishes to consider the terms of any DVLA printout, they should contact the Sheriff Clerk’s Office which will send the printout to them. Any comment on the printout should then be included in the written plea in mitigation. The accused’s driving licence must also be provided to the court in accordance with the Road Traffic Offenders Act 1988.

#### (B) Resolution of cases where the accused is unrepresented

Where the prosecutor has received an acceptable written plea from an unrepresented accused (including the provision of a driving licence where required) the prosecutor shall, if necessary, make an incidental application to the court in terms of section 134 to accelerate the proceedings.

The Sheriff Clerk’s Office will inform the prosecutor of the date of the new diet. If this is a different date from the originally scheduled diet the Sheriff Clerk’s Office will also inform the accused of the new diet.

The accused is not required to attend the diet at which their plea will be considered by the court. The prosecutor is permitted to attend by electronic means.

The case will proceed in accordance with paragraphs 4.2 to 5.3 of the aforementioned guidance in respect of “Facilitating Pleas of Guilty in Summary Criminal Proceedings”, as adjusted for an unrepresented accused.

If endorsement of a driving licence or disqualification may be imposed by the court and the accused wishes to consider the terms of any DVLA printout, they should contact the Sheriff Clerk’s Office which will send the printout to them. The accused should send any written comments they wish to make on the printout to the court before the diet at which their plea will be considered by the court.

#### (C) Letters pleading not guilty

This section applies to all summary cases:

- due to call, including those awaiting a first calling, in cited courts;

- in the Sheriffdom of Tayside, Central and Fife; and
- in which a letter pleading not guilty has been received by the prosecutor at least **48 hours** in advance of the diet.

In cases where an accused person wishes to plead not guilty, they or their solicitor are encouraged to submit a letter plea to that effect. **Letters should be received by the prosecutor at least 48 hours before the case is due to call.**

The letter plea of not guilty will be placed before the court by the prosecutor in terms of section 144(2)(a). On the day the case is due to call the clerk will perform the functions of the court under section 144(3ZB) without any party attending. The plea of not guilty will be recorded. Intermediate and trial diets will be fixed.

The prosecutor and accused or their solicitor will be advised of the diets that have been fixed by the Sheriff Clerk's Office.

#### **Part 5 (duration of this Order)**

This Order comes into force on 1 July 2020 and will endure until and including 1 August 2020 or such other date as may be separately ordered.

"M W Lewis"

Sheriff Principal of Tayside Central and Fife

Perth, 30 June 2020