



## SHERIFFDOM OF TAYSIDE CENTRAL AND FIFE

### ORDER

#### IN RESPECT OF SUMMARY CRIMINAL BUSINESS

by Sheriff Principal M W Lewis

No. 6 of 2020

#### Sheriff Court and Justice of the Peace Court: Resolution of Cases & Not Guilty Pleas

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

This notice replaces "Order in respect of summary criminal business No 5 of 2020" dated 17 April 2020 ("the Order") in two respects:

- (1) The section in the Order relating to "Resolution of Cases" is replaced by this notice.
- (2) The section in the Order relating to "Refixing Diets in terms of Section 137ZB(1) of the Criminal Procedure (Scotland) Act 1995" is replaced by this notice but only in relation to the category of cases specified under the section headed "Letters pleading not guilty" below.

The Order otherwise continues to apply.

#### 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:

<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.

#### 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, (a) make an application to either the sheriff in terms of section 137A(1) or a justice in terms of section 137CA(1) for an order to transfer the proceedings to the relevant hub court or (b) if the case is already due to call in the hub court, 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 at the hub court. 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.

#### 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.**

In terms of section 137AA, I hereby order the transfer and adjournment of proceedings in all cases (i) to which this section applies and (ii) which are due to call in a court listed in column A ("the closed court").

The transfer and adjournment is to a cited court diet in the corresponding court listed in column B ("the hub court") on the same date as was initially assigned at the closed court.

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

The letter plea of not guilty will be placed before the hub 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.

In terms of section 137AA, I thereafter order the transfer of the proceedings in any such case back to the closed court and the adjournment of the intermediate and trial diets to corresponding diets at the closed court on the same dates.

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

Date this Order is in force

This Order comes in to force on 3 June 2020 and will endure until and including 1 August 2020 or such later date as may be separately ordered.

"M W Lewis"  
Sheriff Principal of Tayside Central and Fife  
Perth, 28 May 2020