



**SHERIFF COURT GUIDANCE FOR COURT USERS**

**APPEARANCES FROM CUSTODY, REMAND AND**

**BY THOSE SERVING CUSTODIAL SENTENCES**

**1. INTRODUCTION**

- 1.1 GeoAmey staffing shortages are causing significant delays in the transportation of accused persons for appearances in the custody courts, procedural diets and trials across Scotland.
- 1.2 Having regard to the impact upon the efficient disposal of court business, the Sheriffs Principal, in the exercise of their responsibilities and powers under sections 27 and 28 of the Courts Reform (Scotland) Act 2014 (“the 2014 Act”) intend to regulate the sittings times of custody courts.
- 1.3 This guidance also makes provision for remote appearances, or excuses the attendance of those on remand or serving a custodial sentence in relation to procedural hearings. It is important that consultations between the accused and their agents take place prior to such hearings and that the agents appearing are fully instructed. It is also important that there is good, clear communication between agents, COPFS, Scottish Prison Service and GeoAmey in relation to those accused who may be required to attend procedural diets in terms of paragraphs 3 and 4 of this guidance.
- 1.4 This guidance will be effective from Tuesday 19 September 2023 until further

notice.

## 2. SITTING TIMES OF CUSTODY COURTS

2.1 In those sheriff courts which sit for the purposes of dealing with first appearances from custody and for dealing with those apprehended under a warrant, the times until which such sittings are held shall, until further notice, be as follows:

Monday	7pm
Tuesday to Friday	6pm

2.2 The court shall sit on after the sitting times set out in paragraph 2.1 only where (a) the accused is present in the court building by the times specified in paragraph 2.1 and (b) the papers relating to the hearing are with the clerk of court.

2.3 Relevant orders in terms of section 28 of the 2014 Act will be published in each sheriffdom.

## 3. APPEARANCES FOR PROCEDURAL DIETS – SOLEMN COURTS

### First Diets

3.1 In each sheriffdom, the Sheriff Principal will consider whether accused persons who are on remand or are serving custodial sentences shall attend first diets (including continued first diets) by TV link in discussions with Scottish Prison Service. Local guidance will be issued.

3.2 Subject to local guidance, paragraph 3.1 shall not apply to:

- accused persons requiring a court appointed interpreter;
- unrepresented accused persons;
- any case in which more than one accused person is in custody;
- accused persons who intend to enter a guilty plea;
- accused persons assessed by the Scottish Prison Service as being unable to

participate fully in the proceedings by live television link. For the avoidance of any doubt, notwithstanding a determination by the Scottish Prison Service that an accused person is suitable to participate fully in the proceedings, it will be open to the solicitor for an accused person to make representations to the sheriff that the appearance should not be conducted by live television link.

#### **4. APPEARANCES FOR PROCEDURAL DIETS – SUMMARY COURTS**

##### **Diet Courts**

- 4.1 No accused person will be transported from a prison establishment for appearance in the Sheriff or Justice of the Peace diet courts. Not guilty pleas should be tendered in writing. Where the presiding sheriff determines that the personal attendance of an accused is necessary, the diet will be continued without plea for a short period to allow the accused to be transported from the prison establishment in which he or she is held.
- 4.2 Paragraph 4.1 shall not apply to unrepresented accused persons or accused persons who intend to enter a plea of guilty.

##### **Intermediate Diet Courts**

- 4.3 No accused persons will be transported from a prison establishment to appear at a Sheriff or Justice of the Peace Intermediate Diet Court unless (a) a plea of guilty has been agreed; or (b) the accused is unrepresented.

#### **5. APPEARANCES IN THE CUSTODY COURT FOR THOSE IN POLICE CUSTODY, ON REMAND OR SERVING A CUSTODIAL SENTENCE TRAVELLING FROM ENGLAND**

- 5.1 This paragraph applies to accused persons in police custody, remanded or serving prison sentences in England or Wales and who require to attend for a first appearance in custody courts in Scotland. In the event that such accused persons

cannot practicably be taken to the appropriate local sheriff courts by 4pm they may be transported to Dumfries Police Custody Unit and may attend a first appearance in the appropriate local sheriff court remotely by video link. Telephone facilities will be made available to allow agents representing such accused persons to consult with their clients.

## **6. APPEARANCES FOLLOWING APPREHENSION UNDER A WARRANT**

- 6.1 Where an accused is brought before a court for a first appearance (Court A) and is due to be brought before any other Sheriff or Justice of the Peace court in Scotland on the same day, having been apprehended under a warrant, Court A will deal with both the first appearance and any appearances related to any such warrant(s).

The Sheriffs Principal  
12 September 2023