

Scottish Courts and Tribunals Service



GUIDANCE FOR COURT USERS SHERIFF AND JUSTICE OF THE PEACE COURTS

This guidance has been prepared in consultation with the Sheriffs Principal.

The purpose of this guidance is to set out arrangements for the disposal of proceedings in the Sheriff and Justice of the Peace Courts, the All Scotland Sheriff Personal Injury Court (ASSPIC) and the Sheriff Appeal Court during the ongoing COVID-19 pandemic, following a review of the operating arrangements.

This guidance will have effect from 25 April 2022 until further notice.

Practitioners and litigants should also have regard to guidance issued locally in any Sheriffdom.

CRIMINAL COURTS

1. Solemn Business

- 1.1 All solemn trials will call on the dates assigned, using the remote jury centres. There will be no change to scheduled jury sittings.
- 1.2 First Diets will continue to call on the dates currently assigned and in accordance with the arrangements in each Sheriffdom. All accused persons who are ordained or subject to bail should attend. Accused persons remanded in custody will appear by remote means wherever possible.
- 1.3 All sentencing diets will call on the dates assigned with the accused appearing remotely if in custody and in person if on bail, unless otherwise directed by the court.
- 1.4 All diets assigned in terms of section 76 of the Criminal Procedure (Scotland) Act 1995, will call on the dates assigned. Accused persons (whether in custody or on bail) will attend in person unless otherwise directed by the court.

2. Custody Courts

- 2.1 All sheriff courts which had been processing custody business prior to 31 January 2022 will continue to do so in accordance with the current arrangements in each Sheriffdom.

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

3.1 Trial Diets

3.1.1 Trial Diets will call on the date assigned and in accordance with the arrangements in each Sheriffdom.

3.2 Cited Courts/Undertakings

3.2.1 Cited courts and Undertakings will call as programmed in accordance with the current arrangements in each Sheriffdom. Practitioners are encouraged to lodge and intimate letter pleas wherever possible.

4. Intermediate Diets

4.1 Intermediate diets will call as programmed in accordance with the current arrangements in each Sheriffdom. Practitioners are reminded of the terms of *Practice Note No 4 of 2020* dated 1 December 2020. PIDMs should take place on the dates allocated.

4.2 In the event that an intermediate diet is not dealt with administratively in terms of *Practice Note No 4 of 2020* and requires to call in court, accused persons who are ordained or subject to bail should attend, unless their attendance has been excused by the court. Accused persons remanded in custody will appear by remote means wherever possible.

5. Remand/Sentencing Courts

5.1 All sentencing diets will call on the dates assigned with the accused appearing remotely if in custody and in person if on bail or ordained unless otherwise directed by the court.

6. CIVIL BUSINESS AND FAIS

6.1 Proofs and other substantive hearings will be conducted using WebEx, unless otherwise directed by the court. Where a party considers that a hearing cannot proceed remotely using WebEx technology, or cannot entirely be conducted in this manner, that party should advise the court of the reason.

6.2 All procedural business, debates and Fatal Accident Inquiries will be conducted by WebEx unless otherwise directed by the court.

7. ASSPIC

7.1 Current arrangements for business in the All Scotland Sheriff Personal Injury Court will continue to apply. Guidance on the resumption of Civil Jury Trials has been issued and is available on the SCTS website. Consolidated Guidance on the conduct of business in ASSPIC is available on the SCTS website.

8. SHERIFF APPEAL COURT

8.1 Current arrangements for the disposal of criminal appellate business will continue to apply.

8.2 Civil Appeals - All procedural hearings, including permission hearings, will normally be conducted remotely by way of WebEx or, if directed by the court, may be dealt with on the basis of written submissions. The court may allow the hearing or part thereof to be conducted in-person on cause shown. A party seeking an in person or hybrid, hearing should apply to do so by motion. Substantive appeal hearings will normally be conducted remotely. In appeals proceeding under standard procedure (or Chapter 7 procedure) the procedural Appeal Sheriff will determine how the appeal will be conducted having heard parties or their representatives at the procedural hearing. When ordering urgent disposal of an appeal, the procedural Appeal Sheriff will determine how the appeal will be conducted. In accelerated appeals (or appeals under Chapter 8 Procedure) the appeal hearing will normally be conducted remotely unless the Court determines otherwise.

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