

Scottish Courts and Tribunals Service



GUIDANCE FOR SUPREME COURT USERS

This guidance has been prepared in consultation with the Lord President and the Lord Justice Clerk.

Following a review of the operating arrangements in the Supreme Courts, the following measures will be applicable from 31 January 2022 until further notice.

1. The High Court of Justiciary

1.1 Bail appeal court

The bail appeal court will continue to hear cases by Webex as per current arrangements. Cases will call on the dates assigned. Where appropriate, the personal attendance of parties and the appellant may be required at a bail appeal hearing, and accused persons may appear by video link.

1.2 High Court adjourned diets (for sentence)

All sentencing diets, including diets assigned in terms of section 76 of the Criminal Procedure (Scotland) Act 1995 will call on the dates assigned. Accused persons remanded in custody may appear by video link. Those accused persons released on bail, must attend court in person unless their attendance has been excused.

1.3 Preliminary and continued preliminary hearings

The court will continue to hear cases by Webex in line with the existing arrangements. All preliminary and continued preliminary hearings will call on the dates assigned unless adjourned administratively. Accused persons (whether in custody or on bail) should attend in person if a plea of guilty is to be tendered and accepted. Accused who are in custody but who are not tendering an acceptable guilty plea may appear by video link. The Court may excuse the attendance of accused persons on bail.

1.4 High Court trials

All solemn trials will call on the dates assigned or within the float period, under the existing arrangements.

1.5 Evidence on Commission hearings and miscellaneous business

All hearings will call on the dates assigned with parties in attendance in the hearing facility or participating remotely in the hearing by arrangement, with the exception of the accused who may view proceedings remotely by arrangement.

1.6 Criminal appeal court

Cases will call on the dates assigned. Hearings on the merits of all criminal appeals will be conducted in person with the appellant appearing remotely if in custody and in person if on bail, unless otherwise directed by the Court.

Procedural hearings, applications for bail, extensions of time, amendment of grounds etc. will continue to be conducted using Webex.

2. Court of Session

2.1 Civil appeals

The default position for substantive business in the Inner House of the Court of Session i.e. hearings not dealing with procedural business as defined by the Rules of the Court of Session, Rule 37A.1(2), is that hearings will be conducted in-person, however the court may allow the hearing or part thereof to be heard remotely (a hybrid hearing) where considered appropriate.

Procedural hearings in the Inner House, such as leave/permission to proceed hearings will continue to be conducted by Webex or be dealt with on the basis of written submissions; the court may, however, allow the hearing or part thereof to be conducted in-person “on cause shown”.

2.2 Civil First Instance

All first instance hearings including proofs and debates will continue to be conducted virtually, however the court may allow the hearing or part thereof to be conducted in-person on “on cause shown”.

3. The Scottish Land Court

All hearings will continue to be conducted virtually however the court may allow the hearing or part thereof to be conducted in-person “on cause shown”.

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