

Scottish Courts and Tribunals Service



GUIDANCE FOR COURT USERS

SHERIFF AND JUSTICE OF THE PEACE COURTS

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 restricted operating arrangements.

This guidance will have effect from 31 January 2022 until further notice and will be subject to regular review.

This guidance has been prepared in consultation with the Sheriffs Principal in order to provide consistent guidance nationally, however, practitioners and litigants should also have regard to further guidance which may be 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, including diets assigned in terms of section 76 of the Criminal Procedure (Scotland) Act 1995, will call on the dates assigned. Accused persons who have been ordained or are subject to bail must appear, unless their attendance has been excused.

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.

2.2 The attention of practitioners is drawn to the “*Guidance in relation to Remote Hearings – Attendance by Electronic Means for Custody Cases*”. Practitioners are encouraged to make use of the facility for remote representation wherever possible.

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

3.1 Trial Diets

3.1.1 Trial diets involving an accused person who is remanded in custody in relation to those proceedings will proceed as scheduled.

3.1.2 All part heard trials will proceed on the date and at the time assigned.

3.1.3 The sheriff clerk will set a maximum capacity for each court room having regard to the number of witnesses, the number of trials which involve an accused person in custody and the need for physical distancing. In respect of all trials assigned, the sheriff or justice of the peace presiding over the intermediate diet will:

- (a) continue to trial those trials which can be accommodated in the court building;
- (b) give priority to trials which involve allegations of domestic abuse or child witnesses; and
- (c) adjourn any other trial diets to a suitable date.

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.

5. Remand/Sentencing Courts

- 5.1 All sentencing diets will proceed and the accused will be required to attend, unless otherwise advised by the court.

CIVIL BUSINESS

- 6.1 All procedural civil hearings will, unless otherwise directed by the court, continue to be conducted remotely.
- 6.2 All other civil hearings will also be conducted remotely. Only where cause is shown, in circumstances where physical distancing can be adhered to, will the physical presence of witnesses be permitted.

FAIs

- 7.1 Preliminary Hearings and Fatal Accident Inquiries will be conducted remotely, unless the court directs otherwise.

ASSPIC

- 8.1 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.

SHERIFF APPEAL COURT

- 9.1 Current arrangements for criminal business will continue to apply.
- 9.2 All procedural hearings, including permission hearings, will be conducted remotely. 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.

January 2022