



# CRIMINAL COURT MODELLING



September 2025

## Introduction and Key Points

This paper provides modelling of projected criminal business levels across Scotland's High Court and Sheriff Courts over the coming years. It provides an indication of the likely levels of business (in the form of projected scheduled trial numbers and associated waiting periods) drawing on the current assessment of future case levels. This provides an indication of the level of court provision that will be necessary to maintain an effective system and avoid excessive periods of delay.

Scheduled criminal trials in Scotland more than doubled from their 2019 level to a peak of 43,606 in January 2022. This was principally due to the COVID-19 pandemic but also included growth in the level of solemn (more serious) criminal business which was apparent before the pandemic and has continued to build. The introduction of additional trial courts and summary criminal reforms reduced the backlog to 17,993 as at the end of July 2025 which is undoubtedly a positive achievement. The chart overleaf details the level of trial court backlog at each level of criminal court over the past five years indexed to 100 (a technique that illustrates the level of growth/decline in a comparable fashion, irrespective of case volumes – see note 6 on page 15). This shows:

- Case levels in the High Court initially dropped, have then steadily risen and now sit at twice their 2019/20 level;
- Sheriff solemn case levels rose to nearly five times their 2019/20 level, before recovering somewhat to sit at twice that level;
- Sheriff summary cases rose to more than double their 2019/20 level but have now returned to comparable levels;
- Justice of the Peace court cases rose to more than double the 2019/20 level but have now reduced to half the 2019/20 level;
- Nationally, trial backlogs rose to more than double the 2019/20 level at their peak but have now returned to comparable levels in pure numerical terms. However, this masks the fact that solemn case backlogs are now double what they were five years ago with High Court levels continuing to rise. Solemn cases involve the most serious allegations of crime, require higher levels of resource to administer and are of significantly greater duration than summary (less serious) cases.
- While case numbers have recovered, the burden of work on the system remains significantly higher than it was before the pandemic, with indications of further growth in solemn business levels provided in this report.

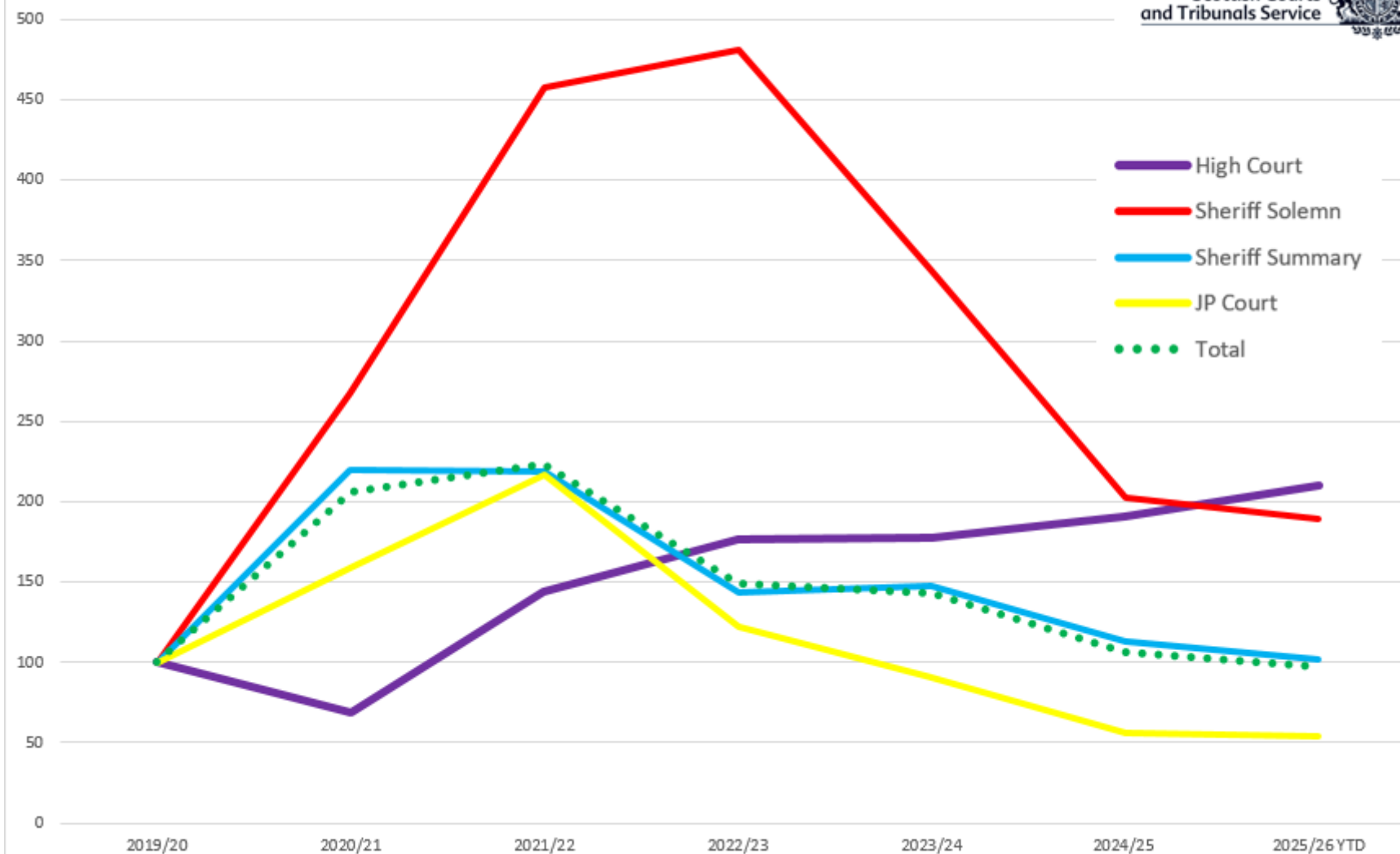
As a result of the solemn business trend, the current level of solemn trial courts represents a 'business as usual' position for 2025/26. With increasing High Court caseload, additional trial courts would be necessary from April 2026.,.

A number of initiatives intended to increase efficiency are under way – most notably the rollout of a new approach to summary case management following a [successful pilot](#). This approach has the potential to significantly improve efficiency in Scotland's summary courts. There may be opportunity to reduce the number of Sheriff summary courts as a result, but some caution is needed until the rollout has been completed and evaluated in consultation with justice partners.

## Modelling tables, Charts & Commentary

Pages 5-13 of this paper provide modelling data and charts for each of: The High Court (p5-7) Sheriff solemn courts (p8-10) and sheriff summary courts (p11-13) alongside commentary to explain the projections and detail presented.

## Scheduled Criminal Trials in Scotland Indexed to 2019/20 (=100)



## Background

In response to the impact of the pandemic on criminal case backlogs, and the continued trend of increasing solemn case levels, the criminal court recovery programme commenced in September 2021. An additional 4 trial courts were allocated to the High Court, 2 for Sheriff Solemn business and 10 for Sheriff Summary business. In April 2023, resources were switched from summary to solemn business to meet capacity pressures. An additional 2 trial courts were introduced in the High court and an additional 6 for Sheriff Solemn. At this point the 10 additional Sheriff Summary trial courts were removed.

Scotland's trial court capacity from April 2023 to March 2026 is therefore as follows:

- High Court: - 22 trial courts (+38% compared to pre-pandemic)
- Sheriff Solemn: - 26 trial courts (+44% compared to pre-pandemic)
- Sheriff Summary: - 33 trial courts (the same as pre-pandemic).

While modelling is not an exact science, it helps assess different scenarios and inform future decisions. Actual trial backlogs and waiting periods will remain sensitive to changes in both registration levels (input) and in trial court capacity (throughput). The combination of this annual modelling report and the regular publication of criminal case throughput reports allows measurement of the impact of the current programme on both scheduled trials and waiting periods, illustrating the progress being made and the challenges ahead. The modelling is based on the best available information at time of publication and it can be updated if there is evidence of significant, sustained change in assumed registration levels or throughput.

This updated report is the result of extensive analysis of the court programme, the change in backlogs, the levels of new petitions (which indicate trends in registered indictments – i.e. solemn business levels) and the potential positive impact of the summary case management (SCM) pilot once implemented nationally.

## Future Business Levels – Analysis

The forecast of solemn business levels that will enter the court provided by the Crown Office includes their assessment of the impact of the time bar extensions under the Coronavirus (Recovery and Reform) (Scotland) Act 2022. Future transformation of the prosecution of sexual offences, including the impact of the 2023 Court of Appeal judgement on the law of corroboration, may further increase the level of petitions and subsequent indictments.

The modelling demonstrates that, at current capacity levels, High Court backlogs will continue to grow following the consistent upward trend that was evident before the pandemic. This indicates that an increased level of High Court trial court capacity will be required in the long term, with the model illustrating the substantial impact on scheduled trials and associated waiting periods should capacity be reduced. Sheriff solemn and summary backlogs are steadily reducing and a reduction in trial court capacity should be viable with a switch of resources from the sheriff court to the High Court at a future point. Regular discussions continue to take place through the Criminal Justice Board and with the Faculty of Advocates and Law Society of Scotland – focusing on both the pressures faced by the legal profession and the opportunities presented through initiatives such as the national implementation of SCM.

## High Court

High Court Indictments registered per month April 2025-November 2026 (127) then December 2026- March 2027 (110) then 10% increase each April from April 2027 onwards	Projected Scheduled Trials as at end of:					
	Mar-25	Mar-26	Mar-27	Mar-28	Mar-29	Mar-30
16 Trial Courts from April 2026 (core funding)	743	1116	1631	2099	2671	3364
22 Trial Courts (current funding)	743	1116	1393	1623	1957	2412
26 Trial Courts from April 2026 (+4 extra)	743	1116	1235	1305	1481	1778
28 Trial Courts from April 2026 (+6 extra)	743	1116	1155	1147	1243	1460

High Court Indictments registered per month April 2025-November 2026 (127) then December 2026- March 2027 (110) then 10% increase each April from April 2027 onwards	Projected Ave. weeks to Evidence Led Trial as at end of:					
	Mar-25	Mar-26	Mar-27	Mar-28	Mar-29	Mar-30
16 Trial Courts from April 2026 (core funding)	42	63	92	119	151	190
22 Trial Courts (current funding)	42	63	79	92	111	136
26 Trial Courts from April 2026 (+4 extra)	42	63	70	74	84	100
28 Trial Courts from April 2026 (+6 extra)	42	63	65	65	70	83

Average weeks to Evidence Led Trial is 'Average weeks from Pleading Diet to Evidence Led Trial where ELT occurs in month shown'

The main challenges in the High court:

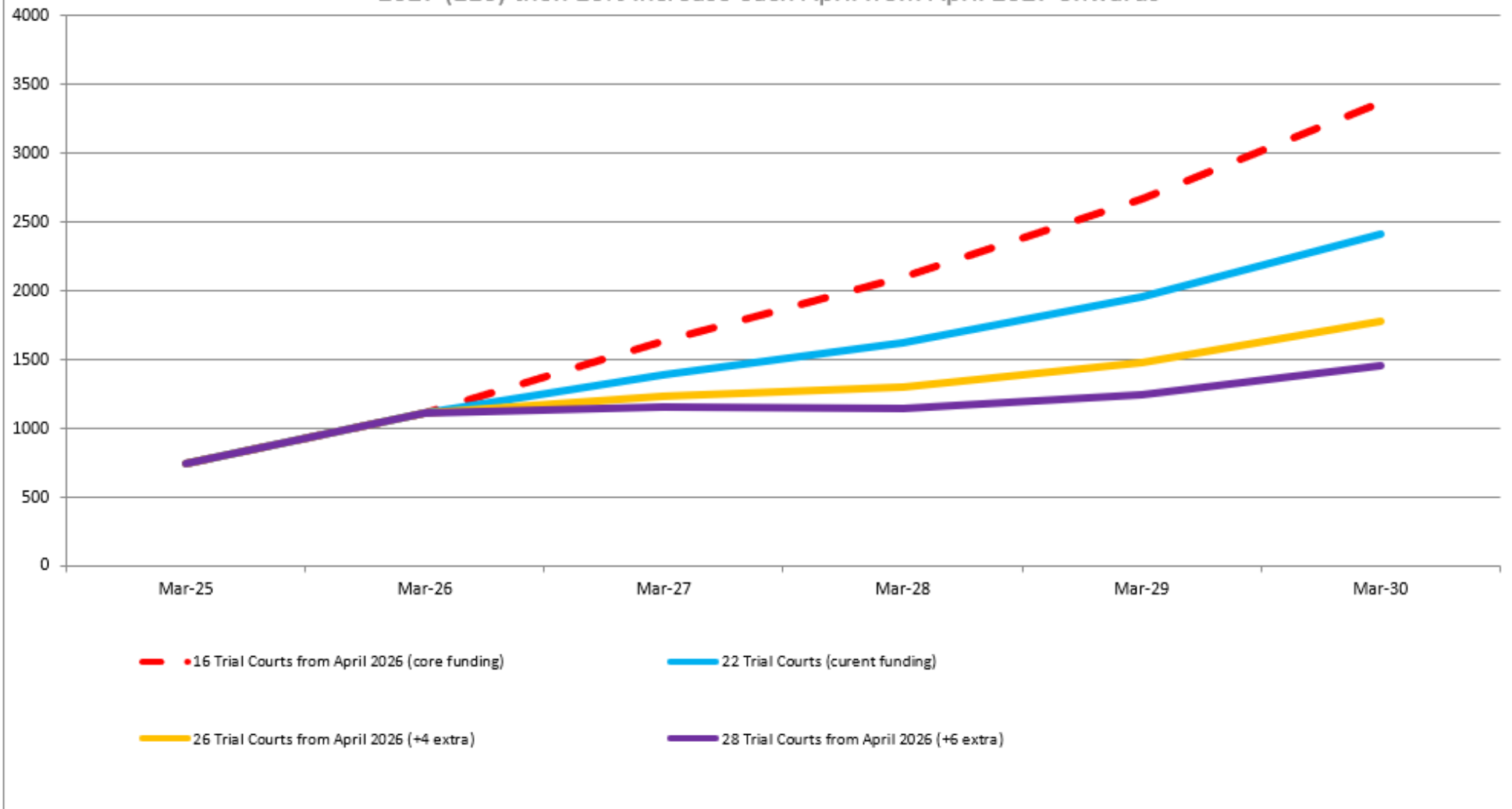
- The sustained number of complex, multi-accused and lengthy trials and multi-judge appeals.
- COPFS plan to register significantly higher levels of indictments to clear a cohort of time-bar cases then resume the 10% year on year rise that was happening before the pandemic. COPFS have previously indicated there are a number of factors that will increase the monthly level of indictments as shown and the reality is that this time is now upon us.

In view of this significant upward trend, the modelling demonstrates that additional trial courts will be required from April 2026 to alleviate pressure. This is an expensive route that will require significant financial support <sup>1</sup>from the Scottish Government as well as collaborative and innovative solutions from justice partners. These may include the proposed introduction, in due course, of the National Sexual Offences Court.

<sup>1</sup> Note –References to “Core funding” in these tables relate to the number of courts that SCTS can administer from the level of funding provided through the Budget Bill process. References to “Current funding” in these tables relate to the number of courts that SCTS can administer from the level of funding provided through both the Budget Bill and an additional Budget transfer currently provided to SCTS through the “RRT” (recover, renew, transform”) funding line.

## High Court - Projected Scheduled Trials

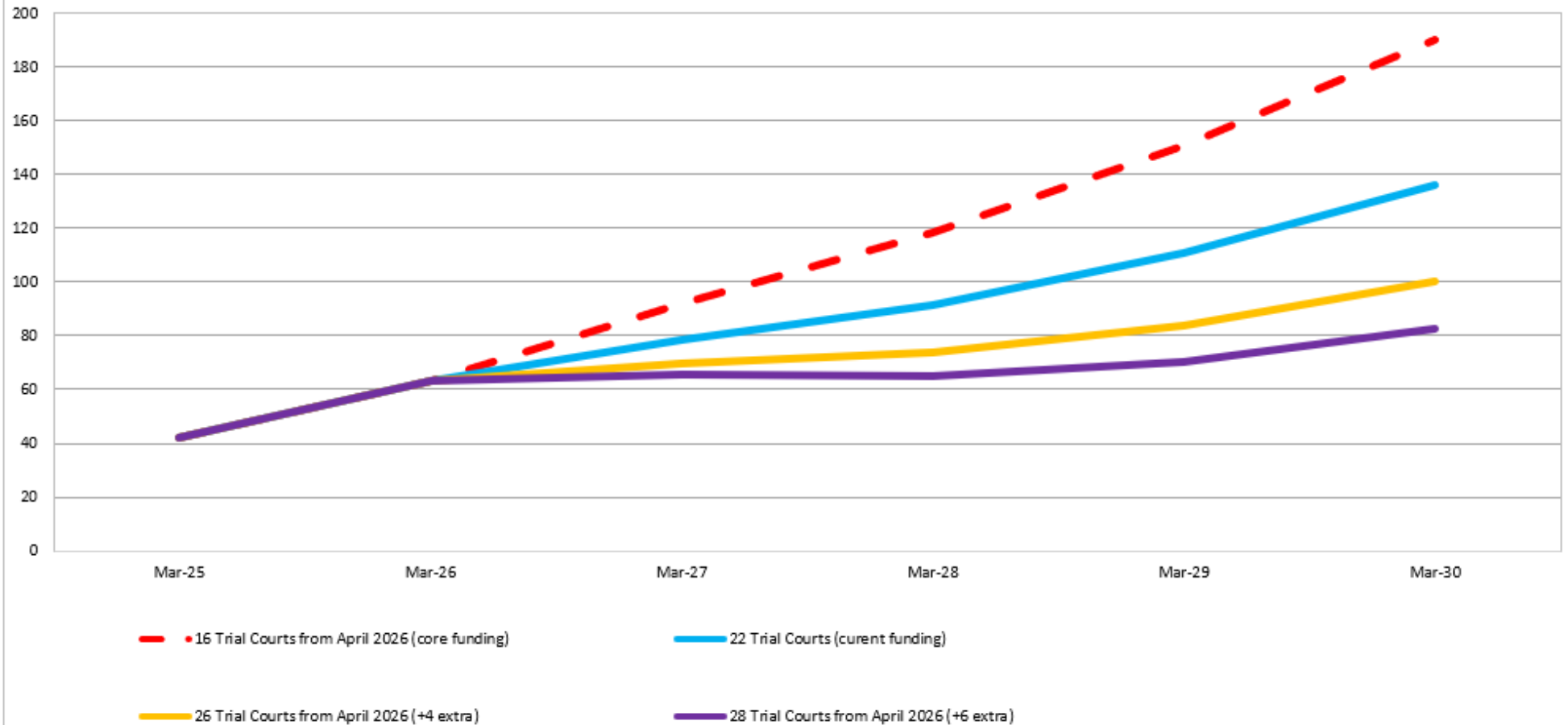
Indictments registered per month April 2025-November 2026 (127) then December 2026- March 2027 (110) then 10% increase each April from April 2027 onwards



## High Court - Projected Average weeks to Evidence Led Trial

Indictments registered per month April 2025-November 2026 (127) then December 2026- March 2027 (110) then 10% increase each April from April 2027 onwards

Average weeks to Evidence Led Trial is 'Average weeks from Pleading Diet to Evidence Led Trial'





## Sheriff Court Solemn

<b>Sheriff Court Solemn</b> Indictments registered per month: 2025/26 (600) then Apr 2026 onwards (550)	Projected Scheduled Trials as at end of:					
	Mar-25	Mar-26	Mar-27	Mar-28	Mar-29	Mar-30
18 Trial Courts from April 2026 (core funding)	1004	597	847	1098	1348	1599
26 Trial Courts (current funding)	1004	597	500	500	500	500
22 Trial Courts from April 2026 (-4 courts)	1004	597	500	500	500	500
20 Trial Courts from April 2026 (-6 courts)	1004	597	548	500	500	500

<b>Sheriff Court Solemn</b> Indictments registered per month: 2025/26 (600) then Apr 2026 onwards (550)	Projected Ave. weeks to Evidence Led Trial as at end of:					
	Mar-25	Mar-26	Mar-27	Mar-28	Mar-29	Mar-30
18 Trial Courts from April 2026 (core funding)	30	18	25	33	40	48
26 Trial Courts (current funding)	30	18	11	11	11	11
22 Trial Courts from April 2026 (-4 courts)	30	18	11	11	11	11
20 Trial Courts from April 2026 (-6 courts)	30	18	16	11	11	11

Average weeks to Evidence Led Trial is 'Average weeks from Pleading Diet to Evidence Led Trial where ELT occurs in month shown'

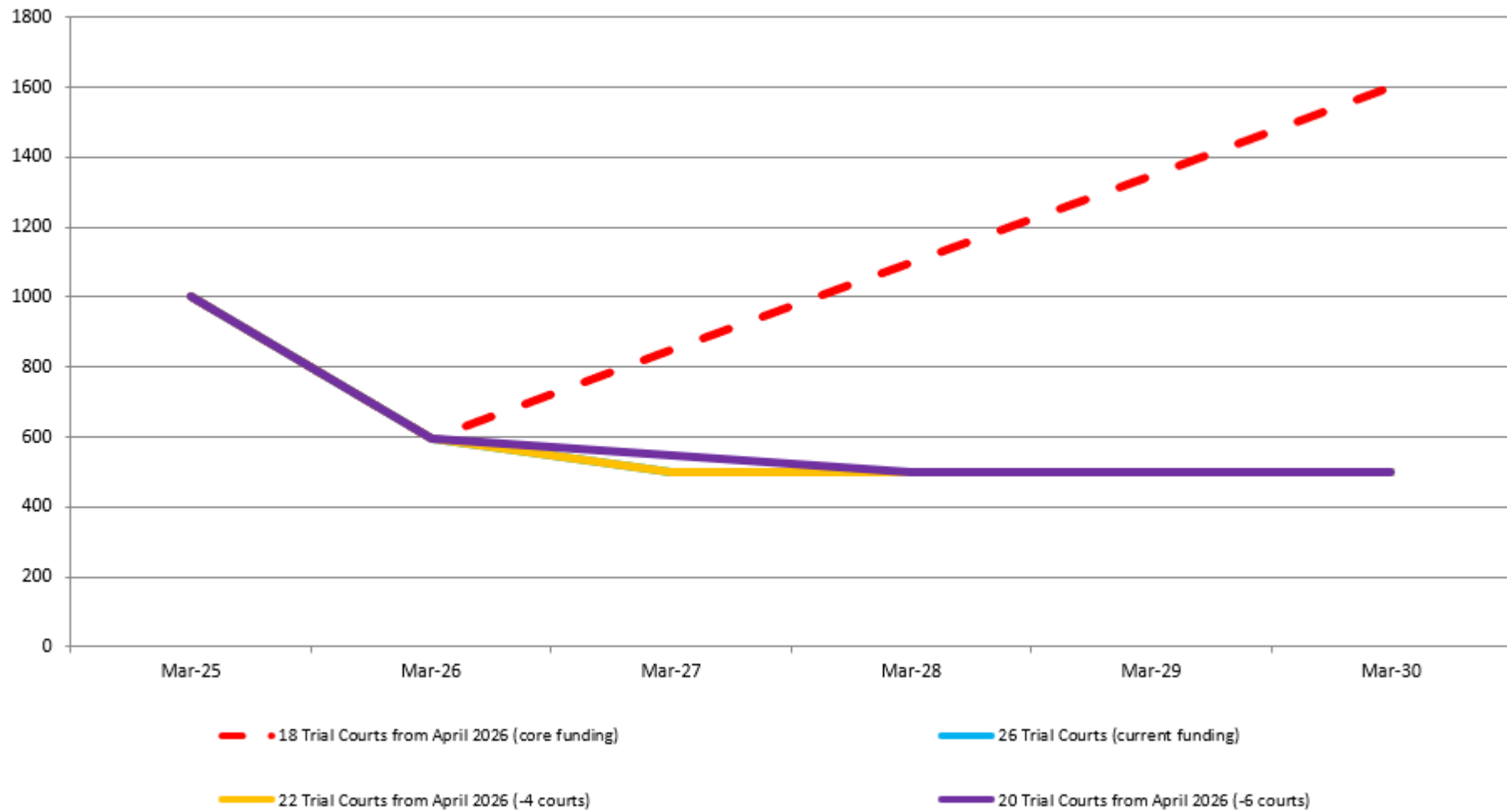
In 2019/20, there were 500 scheduled trials. Levels rose almost five-fold by January 2023 (2472). Significant progress has been made to reduce this backlog but the current level (1004) remains twice as high as the 2019-20 level. COPFS plan to register 600 indictments per month for the coming year before dropping back to 550 per month. This is significantly higher than 2019-20 levels, further demonstrating the trend of increased solemn business. Additional trial courts therefore remain essential until at least April 2026 when it would be safe to reduce to somewhere between 20 and 22 trial courts. Careful consideration at Sherifffdom level will be needed to decide where trial courts can be removed without local detriment. The overall aim is to ensure that scheduled trial levels not only reduce but that there is sufficient capacity to maintain business at a level which offers a reasonable waiting time for victims and witnesses (and limits the length of time that accused persons spend on pre-trial remand). Returning to the 2019/20 core funding position of 18 trial courts would see backlogs and waiting periods grow.

Scheduled trials reduced in 2024/25 more quickly than expected. This is due to lower levels of new business than forecast and a significant rise in early guilty pleas (section 76) as evidenced by SCTS [published statistics](#). In 2024/25 Section 76 volumes are 50% higher than in 2019/20. Early guilty pleas mean trial diets are not fixed, so an increase in Section 76 causes a slowdown in the growth of Scheduled trials.



### Sheriff Court Solemn - Projected Scheduled Trials

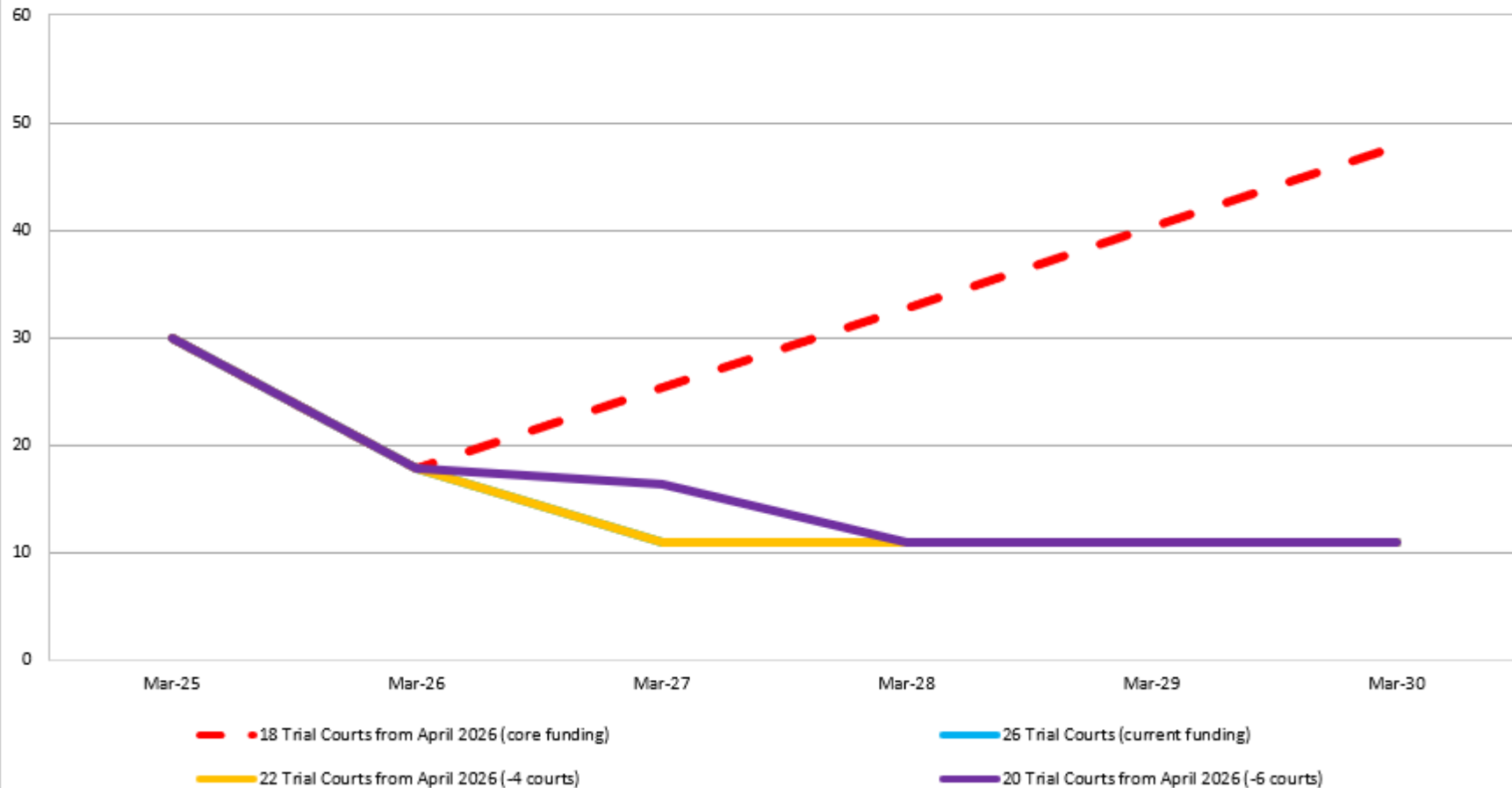
Indictments registered per month: 2025/26 (600) then Apr 2026 onwards (550)



## Sheriff Court Solemn - Projected Average weeks to Evidence Led Trial

Indictments registered per month: 2025/26 (600) then Apr 2026 onwards (550)

Average weeks to Evidence Led Trial is 'Average weeks from Pleading Diet to Evidence Led Trial where ELT occurs



## Sheriff Court Summary

<b>Sheriff Court Summary</b> 58000-64000 complaints registered in 2025/26 and 62000 in 2026/27 then 60000 per annum thereafter	Projected Scheduled Trials as at end of:					
	Mar-25	Mar-26	Mar-27	Mar-28	Mar-29	Mar-30
33 Trials Courts (core funding)	15787	14000	14000	14000	14000	14000
28 Trial Courts from April 2026 (-5 courts)	15787	14000	14000	14000	14000	14000

<b>Sheriff Court Summary</b> 58000-64000 complaints registered in 2025/26 and 62000 in 2026/27 then 60000 per annum thereafter	Projected Ave. weeks to Evidence Led Trial as at end of:					
	Mar-25	Mar-26	Mar-27	Mar-28	Mar-29	Mar-30
33 Trials Courts (core funding)	30	23	23	23	23	23
28 Trial Courts from April 2026 (-5 courts)	30	23	23	23	23	23

Average weeks to Evidence Led Trial is 'Average weeks from Pleading Diet to Evidence Led Trial where ELT occurs in month shown'

Summary Case Management is rolled out during 2025/26

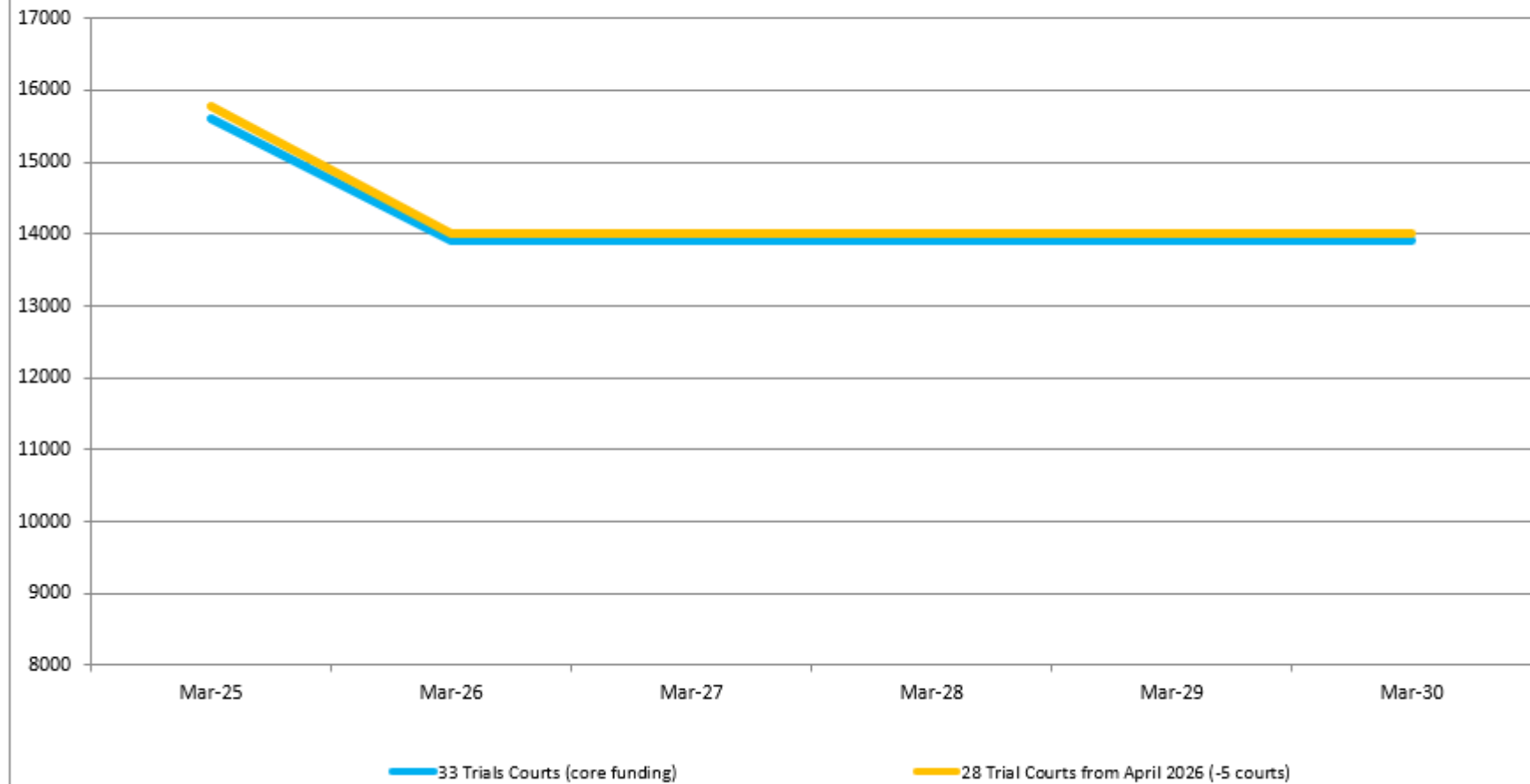
Complaints registered for 2025/26 is provided as a range due to variation in monthly registrations

Based on COPFS forecast business volumes, scheduled trials are projected to return to 14000 or less by March 2026. The model shows that there is the potential to remove up to five summary trial courts from April 2026 but removing more courts than that would see the level of scheduled trials climbing above 14000.

Summary Case Management undoubtedly introduces system efficiencies but it would be sensible to fully evaluate the SCM rollout to check that the benefits seen in the pilot have carried through as expected before any decision on the optimum number of summary trial courts is made. Further, any decision to reduce trial courts would need to be examined at Sheriffdom level as the criminal court modelling tool is at national level and does not reflect regional considerations. Consultation with justice partners would be a key requirement.

## Sheriff Court Summary - Projected Scheduled Trials

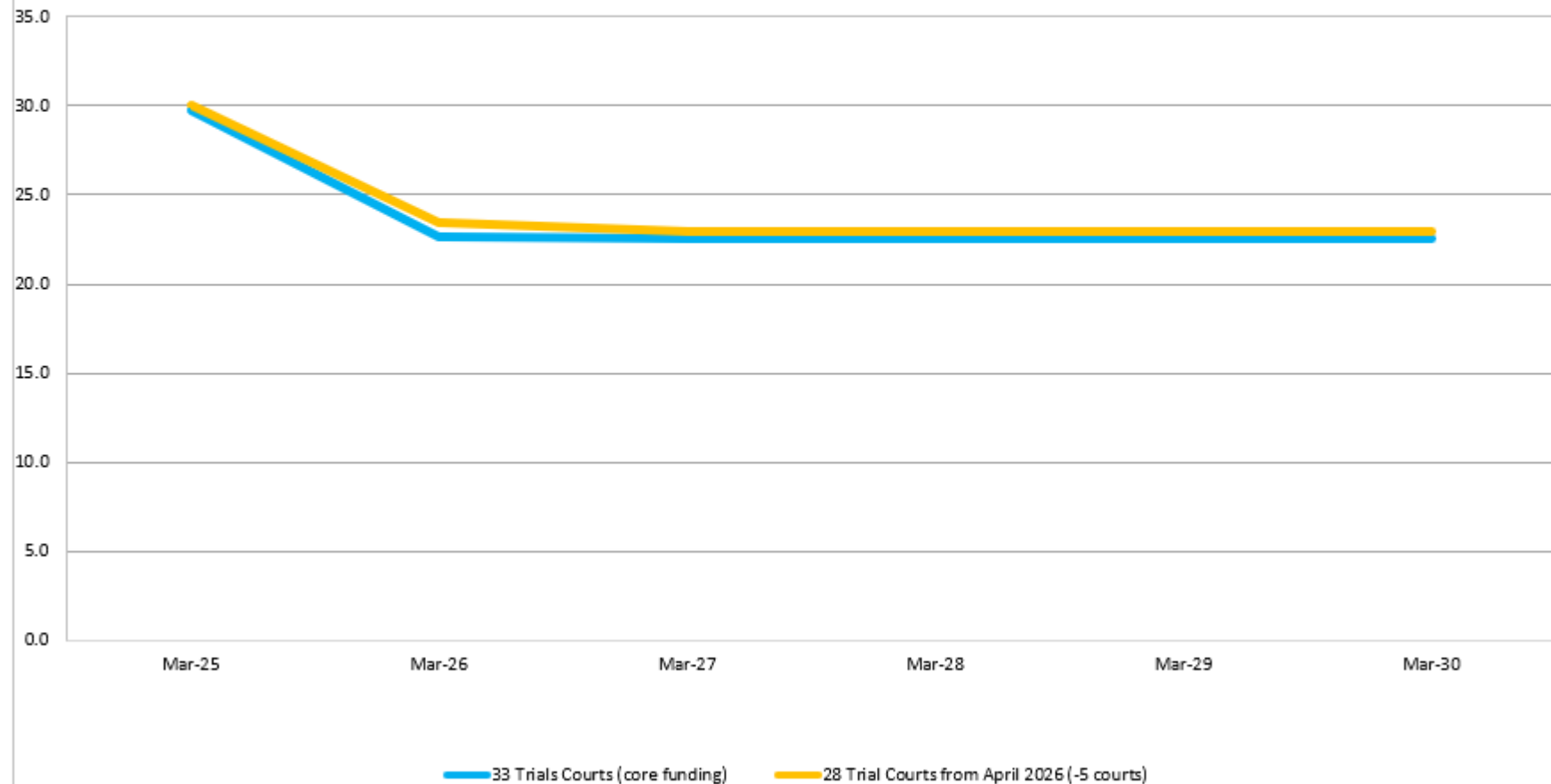
58000-64000 complaints registered in 2025/26 and 62000 in 2026/27 then 60000 per annum thereafter



## Sheriff Court Summary - Projected Average weeks to Evidence Led Trial

58000-64000 complaints registered in 2025/26 and 62000 in 2026/27 then 60000 per annum thereafter

Average weeks to Evidence Led Trial is 'Average weeks from Pleading Diet to Evidence Led Trial where ELT occurs in month shown



## Modelling assumptions and notes

Metrics	High Court	Sheriff Court Solemn	Sheriff Court Summary
Scheduled Trials (pre COVID-19)	390	500	14000
Average weeks to Evidence Led Trial (pre COVID-19)	22	11	23
Trial courtrooms (pre COVID-19)	16	18	33
Average length of Evidence Led Trial	6 days	3 days	2 hours 40 minutes

### 1. Future levels of business

The models use the latest available business level forecasts supplied by COPFS.

### 2. Baselines

**Core funding** – this refers to 16 trial courts at the High Court, 18 for Sheriff Solemn and 33 for Sheriff Summary which are funded within the core SCTS budget from Scottish Government.

**Current funding** – this refers to the additional solemn courts that Scottish Government has funded under the RRT budget to aid recovery from the impact of COVID-19 and increased levels of solemn business. This has funded an extra 6 trial courts at the High Court and an additional 8 for Sheriff Solemn business until March 2026.

### 3. Projected scheduled trials methodology

Scheduled trials as at last data point plus estimated new trials fixed per month minus trials concluded per month.

### 4. Projected delay periods methodology

Delay as at last data point divided by scheduled trials at last data point multiplied by projected scheduled trials.

### 5. Time Periods to Trial Diets

In a complex justice system multiple system factors impact on the time to trial, including; case preparation, availability of forensic

evidence, disclosure, witness availability, failure to appear, parties not ready to proceed, lack of court time. These factors create non linearity, which requires further analysis to understand and quantify the modelling complexities. The modelling currently assumes a linear relationship between number of trials forecast and the time to trial, with an estimate of factors built in. Therefore some caution is advised when using the time to trial projections. The actual average time between the pleading diet and completed evidence led trials is published on the [SCTS website](#).

6. Indexed to 100

When data is "indexed to 100", it means a specific starting point (often a base year) is assigned a value of 100, and subsequent values are expressed as a percentage of that starting point. This allows for easy comparison of changes over time, with 100 representing the baseline. For example, an index of 110 means a 10% increase from the base, while an index of 90 means a 10% decrease. This is useful when looking at data over time with volumes that are so different that they are difficult to interpret on a volume chart. The High Court has a relatively small volume of the most serious cases while the Sheriff Summary courts has a large volume of less serious business. Indexation enables the data to be shown in a simplified way on a chart that aids interpretation.