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The Scottish Parliament
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Chief Executive's Office
Parliament House
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5 February 2015

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Dear Ms Baker

SCOTTISH PARLIAMENTARY QUESTION S4W-23834, S4W-23835, S4W-23836, S4W-23837, S4W-23838, S4W-23839, S4W-23840

The Cabinet Secretary for Justice, in his response to the above PQs, indicated that they related to operational matters within the responsibility of the Scottish Court Service corporate body. I am now writing to you in response to the matters raised.

S4W-23834 asks what research it has conducted on the impact of sheriff court closures on those that remain open.

Extensive research and analysis was carried out as part of the wide ranging public consultation exercise, *Shaping Scotland's Court Services*¹, which was carried out in the latter part of 2012 and early 2013. The public consultation was also preceded by a series of events held around Scotland to discuss ideas with the legal profession and representatives of organisations associated with the court system and representing court users.

Shaping Scotland's Court Services involved looking at a wide range of factors, including court business trends, the SCS's budgetary position, the impact on users, the amount, flexibility and standard of facilities, the increasing requirement to improve services for victims and witnesses, and the need to examine greater use of video conferencing technology for the conduct of court proceedings. The consultation ran for three months, and was subsequently followed by published recommendations, following a thorough analysis of responses, together with an equality impact assessment. These documents are all available on the SCS's website at the link footnoted below.

I should also add that the SCS also regularly monitors levels of court business in normal course and ensures that court programmes are adjusted to ensure the optimum period between first calling and trial in summary business is maintained at 16 weeks, as is the case at Kirkcaldy, Dunfermline and Dundee Sheriff Court.

¹ <http://www.scotcourts.gov.uk/about-the-scottish-court-service/consultations>

S4W-23835 asks how many criminal trials have been adjourned at (a) Kirkcaldy, (b) Dunfermline and (c) Dundee Sheriff Court because of (i) a crown motion, (ii) a defence motion, (iii) failure to appear by an accused, (iv) failure to appear by a witness, (v) lack of court time and (vi) any other reason in each of the last three years.

In relation to points (i) and (ii), the SCS case management system records all motions for adjournment by originator of the motion. The first two tables below provide this information, split between Crown and defence motions, for summary and solemn cases.

Adjournments sought by Crown/defence motion

	Sheriff Court Summary trial adjournments by originator of the motion					
	2011/12		2012/13		2013/14	
	(i) Crown motion	(ii) Defence motion	(i) Crown motion	(ii) Defence motion	(i) Crown motion	(ii) Defence motion
(a) Kirkcaldy	279	95	252	104	283	83
(b) Dunfermline	88	52	66	37	81	34
(c) Dundee	269	116	247	122	204	86

	Sheriff Court Solemn trial adjournments by originator of the motion					
	2011/12		2012/13		2013/14	
	(i) Crown motion	(ii) Defence motion	(i) Crown motion	(ii) Defence motion	(i) Crown motion	(ii) Defence motion
(a) Kirkcaldy	2	10	11	13	24	2
(b) Dunfermline	5	1	8	3	3	2
(c) Dundee	74	11	46	10	54	12

For points (iii) to (vi), the reason for adjournment is recorded on the SCS case management system. This is recorded in addition to the originator of the motion to adjourn. For example: the Crown may make a motion for adjournment for the reason that a witness is absent or that they have not had adequate time to prepare.

Further, for point (vi) 'Any other reason' includes the established continuation reasons from the SCS case management system:

- Allow Accused to get legal advice
- Inadequate time to prepare - Crown
- Inadequate time to prepare - Defence
- Legal aid not granted
- No disclosure
- Accused not brought from custody
- Completion of evidence.

There are other, much less common, reasons for adjournment that are recorded in a free text field on the SCS case management system. We have not interrogated this information. Therefore, please bear in mind that the information provided for point (vi) is not a complete record of all other reasons for adjournment, rather it is a count of the established reasons for adjournment not already covered in (iii) to (v).

The four tables below provide this information, split between adjournment reasons, for summary and solemn cases.

Adjournments by reason

Sheriff Court Summary trial adjournments by continuation reason								
2011/12					2012/13			
(iii) Failure to appear by an accused person	(iv) Failure to appear by a witness	(v) Lack of court time	(vi) Any other reason	(iii) Failure to appear by an accused person	(iv) Failure to appear by a witness	(v) Lack of court time	(vi) Any other reason	
(a) Kirkcaldy	8	251	94	25	6	229	105	27
(b) Dunfermline	6	70	18	29	4	53	21	17
(c) Dundee	14	209	78	40	7	203	111	40

Sheriff Court Summary trial adjournments by continuation reason				
2013/14				
(iii) Failure to appear by an accused person	(iv) Failure to appear by a witness	(v) Lack of court time	(vi) Any other reason	
(a) Kirkcaldy	9	259	86	27
(b) Dunfermline	3	74	44	14
(c) Dundee	4	171	58	47

Sheriff Court Solemn trial adjournments by continuation reason								
2011/12					2012/13			
(iii) Failure to appear by an accused person	(iv) Failure to appear by a witness	(v) Lack of court time	(vi) Any other reason	(iii) Failure to appear by an accused person	(iv) Failure to appear by a witness	(v) Lack of court time	(vi) Any other reason	
(a) Kirkcaldy	0	0	1	1	1	1	2	4
(b) Dunfermline	0	0	0	0	0	0	2	1
(c) Dundee	3	7	12	1	0	5	10	0

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The Scottish Court Service is responsible for the administration of Scottish courts and the Office of the Public Guardian.

Sheriff Court Solemn trial adjournments by continuation reason				
2013/14				
	(iii) Failure to appear by an accused person	(iv) Failure to appear by a witness	(v) Lack of court time	(vi) Any other reason
(a) Kirkcaldy	0	5	4	1
(b) Dunfermline	0	0	1	3
(c) Dundee	0	5	9	2

S4W-23836 asks how many summary procedures without a jury at (a) Kirkcaldy, (b) Dunfermline and (c) Dundee Sheriff Court were called but adjourned for lack of court time in each of the last five years.

Sheriff Court Summary trials adjourned due to lack of court time					
	2009/10	2010/11	2011/12	2012/13	2013/14
(a) Kirkcaldy	125	34	94	105	86
(b) Dunfermline	33	14	18	21	44
(c) Dundee	74	80	78	111	58

S4W-23837 asks how many jury trials at (a) Kirkcaldy, (b) Dunfermline and (c) Dundee Sheriff Court were called but adjourned for lack of court time in each of the last five years.

Sheriff Court Solemn trials adjourned due to lack of court time					
	2009/10	2010/11	2011/12	2012/13	2013/14
(a) Kirkcaldy	3	0	1	2	4
(b) Dunfermline	1	0	0	2	1
(c) Dundee	2	2	12	10	9

S4W-23838 asks on how many days (a) Kirkcaldy, (b) Dunfermline and (c) Dundee Sheriff Court has sat in each of the last five years.

	Sheriff Court sitting days				
	2009/10	2010/11	2011/12	2012/13	2013/14
(a) Kirkcaldy	938	887	903	953	934
(b) Dunfermline	557	555	522	531	608
(c) Dundee	1239	1247	1175	1093	1052

Sheriff Courts are open for approximately 250 days a year.

Please note that sitting days' data was collected by a manual process until 1st April 2012 when an electronic process commenced.

S4W-23839 asks how many indictments have been registered at (a) Kirkcaldy, (b) Dunfermline and (c) Dundee Sheriff Court in each of the last five years.

	Sheriff Court Indictments registered				
	2009/10	2010/11	2011/12	2012/13	2013/14
(a) Kirkcaldy	164	123	178	208	153
(b) Dunfermline	85	84	91	97	115
(c) Dundee	201	181	223	230	241

S4W-23840 asks how many jury trials have taken place at (a) Kirkcaldy, (b) Dunfermline and (c) Dundee Sheriff Court in each of the last five years.

	Sheriff Court Solemn Evidence Led trials				
	2009/10	2010/11	2011/12	2012/13	2013/14
(a) Kirkcaldy	30	16	31	23	33
(b) Dunfermline	11	13	12	12	12
(c) Dundee	61	55	78	66	78

The Scottish Court Service uses a live operational case management system for the processing of court business. The information held on the system is structured for these operational needs, rather than for statistical reporting or research purposes. The information provided is based on the best information available from the case management system as at 29 January 2015.

A copy of this letter will be placed in the Scottish Parliament Information Centre and published on the Scottish Court Service website.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Eric McQueen', with a long horizontal stroke extending to the right.

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