

## **Face coverings in court proceedings – updated 9 August 2021**

On 12 January, the Lord President, Lord Carloway, approved a further strengthening of the requirements for wearing face coverings in court proceedings, in recognition of the heightened concern following the emergence of a new, more transmissible form of the COVID-19 virus. As at 9 August, those conditions, set out below, remain in place with the exception that physical distancing has now been reduced to 1m, as we encourage service users, staff and judiciary to respect personal space. Therefore, when on SCTS premises, people should continue to wear face coverings when moving in and around the building, and the following rules shall apply:

- During court proceedings, all those in the well of the court and the public areas must wear face coverings, even when seated, unless they are required to speak (e.g. as questioning counsel or witness)
- The requirement to wear a face covering includes the accused, subject to certain considerations around identification, set out below\*
- Participants in proceedings may continue to wear face coverings when speaking if they wish to, but may be required by the judge or sheriff to remove them if there are issues of audibility or visibility
- The presiding judge or sheriff will wear a face covering when entering or leaving the court, but may remove it when seated, in order to conduct the proceedings
- Jurors observing proceedings from remote jury centres are not obliged to wear a face covering whilst seated, and may choose to do so if they wish

Any requirement to wear a face covering is subject to any exemption provided for under government guidance. Nothing in these strengthened rules removes the requirement to maintain at least a 1m distance from others at all times.

**\*Identification:** It may be considered that a requirement for an accused to remove their face covering purely for the means of identification is potentially prejudicial. Judges/sheriffs will therefore ask Crown and defence if identification is necessary. If so, all those in the courtroom can be asked to remove their face coverings before the relevant witness enters. Once identification has been dealt with, they can be instructed to put their face coverings back on.

In addition all those in court are encouraged to use the Protect Scotland app on a mobile device switched to silent mode.