



Update 14 July 2020: The Bail Appeal Court will resume sitting Monday to Friday from Monday 20 July. Paragraph [2] of the Guidance below issued by the President SAC on 17 June should be read as referring to the court reverting to the usual 5 day sitting pattern. Otherwise the guidance remains in force and should be followed. This is the next step towards the court sitting as a fully online virtual court . Current planning is that this will happen early August, however further Guidance will be issued in advance.

SHERIFF APPEAL COURT
GUIDANCE FOR PRACTITIONERS
APPEARING IN THE BAIL APPEAL COURT

[1] The Bail Appeal Court currently sits in Court No 1 at Edinburgh Sheriff Court (ESC). Due to necessary changes in the deployment of appeal sheriffs and technology introduced as a response to the current COVID 19 emergency the court will adopt a new operating model with effect from week beginning 22 June 2020.

[2] From Monday 22 June the court will sit on Mondays, Wednesdays and Fridays at 9am to dispose of Bail Appeals. The court will convene as usual in Court 1 ESC however the Appeal Sheriff will appear in a virtual format. Otherwise, the court will proceed as usual. Appeals will call in the order arranged by the Clerk of Court.

[3] An important consequence of the bail sheriff appearing from a remote location involves the preparation of papers for each appeal. All papers including bail reports and any relevant PCs will be uploaded onto a digital folder and transmitted to the bail sheriff before close of business the day prior to the Court. All documents which parties propose to refer to must be lodged in electronic format attached to an email addressed to this mailbox_ bailappealreport@scotcourts.gov.uk no later than 4pm on the day prior to the hearing. The email must be headed BAIL APPEAL (along with the date of the hearing) including the name of the case together with both the court and PF reference. The email should be copied to

Crown Office (email address bailtrainees@copfs.gov.uk) or as the case may be the Appellant.

[4] This guidance will have effect from Friday 19 June 2020 until further notice.

[5] This is a first step towards the Court sitting as an online court using Webex Video Conferencing to conduct bail appeals. This technology has been deployed successfully in the Inner House and Criminal Appeal Court. The Sheriff Appeal Court already conducts civil appeals as an online court and will soon hear criminal appeals in this manner. Further guidance will be issued as to the conduct of bail appeals when the court operates as a fully online court. During stage 1 when the court is sitting in court no 1 ESC Justiciary Office will engage with practitioners as to the essential requirements and necessary technical arrangements for the court to operate online.

Mhairi M Stephen

Sheriff Principal M M Stephen QC
President of the Sheriff Appeal Court

17 June 2020