

Scottish Courts and Tribunals Service



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Dear Ms Baker

SCOTTISH PARLIAMENTARY QUESTIONS S4W-29543 to S4W-29548

The Cabinet Secretary in his response to the above PQs indicated that they relate to operational matters within the responsibility of the Scottish Courts and Tribunals Service corporate body. I am now writing to you in response to the matters you have raised.

S4W-29543 asks: *To ask the Scottish Government 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 Trials – Trials called (TC) / Evidence Led (EL)									
	2010/11		2011/12		2012/13		2013/14		2014/15	
	TC	EL	TC	EL	TC	EL	TC	EL	TC	EL
(a) Kirkcaldy Sheriff Court	21	16	66	31	73	23	80	33	110	37
(b) Dunfermline Sheriff Court	28	13	23	12	37	12	40	12	123	35
(c) Dundee Sheriff Court	136	55	194	78	165	66	192	78	242	93

S4W-29544 asks: *To ask the Scottish Government 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				
	2010/11	2011/12	2012/13	2013/14	2014/15
(a) Kirkcaldy Sheriff Court	123	178	208	153	187
(b) Dunfermline Sheriff Court	84	91	97	115	153
(c) Dundee Sheriff Court	181	223	230	241	317

S4W-29545 asks: To ask the Scottish Government 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				
	2010/11	2011/12	2012/13	2013/14	2014/15
(a) Kirkcaldy Sheriff Court	887	903	953	934	1015
(b) Dunfermline Sheriff Court	555	522	531	608	755
(c) Dundee Sheriff Court	1247	1175	1093	1052	1310

NOTE: Sheriff Courts are open approximately 250 days a year. Please note that sitting days' data was collected by a manual process until 1 April 2012 when an electronic data collection process commenced. Comparison of data from the two collection methods should be done with caution.

S4W-29546 asks: To ask the Scottish Government 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 lack of court time				
	2010/11	2011/12	2012/13	2013/14	2014/15
(a) Kirkcaldy Sheriff Court	0 (0%)	1 (2%)	2 (3%)	4 (5%)	10 (9%)
(b) Dunfermline Sheriff Court	0 (0%)	0 (0%)	3 (8%)	1 (3%)	30 (24%)
(c) Dundee Sheriff Court	2 (1%)	12 (6%)	11 (7%)	9 (5%)	54 (22%)

S4W-29547 asks: To ask the Scottish Government 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 lack of court time				
	2010/11	2011/12	2012/13	2013/14	2014/15
(a) Kirkcaldy Sheriff Court	34 (3%)	94 (8%)	105 (8%)	86 (6%)	191 (8%)
(b) Dunfermline Sheriff Court	14 (2%)	18 (3%)	21 (4%)	44 (6%)	72 (8%)
(c) Dundee Sheriff Court	80 (5%)	78 (5%)	111 (7%)	58 (5%)	95 (5%)

S4W-29548 asks: To ask the Scottish Government 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 five years.

This information is set out in the Annex to this letter for ease of formatting.

Improvement Work

I hope that the figures provided with this letter are helpful. More generally, I do acknowledge that there is a wider issue here about the overall efficiency of the Scottish criminal justice system. I firmly believe that fundamental reform is required if we are to properly address and drive out the inefficiencies highlighted in last year's Audit Scotland report.

To stimulate serious debate about how that should be taken forward, the SCTS published on 26 February 2016 a second report relating to our review of evidence and procedure at <http://www.scotcourts.gov.uk/>. This Report promotes the modernisation of law and practice to ensure evidence can be captured digitally at the earliest point as part of a radically reformed summary justice system. In particular, the Report questions the need for procedural decisions to be made only in open court, the need for accused to attend personally at procedural hearings, and, importantly, the requirement for all witnesses to attend court and testify on oath when their evidence is either not controversial or not going to be challenged. This would create the potential to reduce significantly the number of witnesses cited to court and to simplify the hearings that do require to take place. We hope that the Report will trigger further work, involving all those involved in the justice system, to design a system that is modern, more efficient and, most importantly, as fair as possible to all participants.

On the issue of lack of court time adjournments, while it is not feasible to totally eliminate these within the existing system, we are ensuring they are minimised and proportionate to the levels of trials called. We project for 2015-16 that these adjournments will equate, nationally, to around 5% of trials called. This should be viewed against the fact that a greater proportion of cases are being called for trial, with a greater proportion of these proceeding to trial with evidence being led - increases of 30% and 29%, respectively, since 2012-13.

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

Yours sincerely



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ANNEX

Sheriff Court Summary Trial Adjudgments By Originator Of The Motion										
	2010/11		2011/12		2012/13		2013/14		2014/15	
	(i) Crown motion	(ii) Defence motion	(i) Crown motion	(ii) Defence motion	(i) Crown motion	(ii) Defence motion	(i) Crown motion	(ii) Defence motion	(i) Crown motion	(ii) Defence motion
(a) Kirkcaldy Sheriff Court	209	70	279	95	252	104	283	83	477	214
(b) Dunfermline Sheriff Court	35	55	88	52	66	37	81	34	116	60
(c) Dundee Sheriff Court	242	89	269	116	247	122	204	86	334	173

Sheriff Court Solemn Trial Adjudgments By Originator Of The Motion ²										
	2010/11		2011/12		2012/13		2013/14		2014/15	
	(i) Crown motion	(ii) Defence motion	(i) Crown motion	(ii) Defence motion	(i) Crown motion	(ii) Defence motion	(i) Crown motion	(ii) Defence motion	(i) Crown motion	(ii) Defence motion
(a) Kirkcaldy Sheriff Court	1	1	2	10	11	13	24	2	10	8
(b) Dunfermline Sheriff Court	3	0	5	1	8	3	3	2	29	2
(c) Dundee Sheriff Court	36	11	74	11	46	10	54	12	76	17

Sheriff Court Summary Trial Adjournments By Reason												
	2010/11			2011/12			2012/13					
	(iii) failure to appear by an accused	(iv) failure to appear by a witness	(v) lack of court time	(vi) any other reason	(iii) failure to appear by an accused	(iv) failure to appear by a witness	(v) lack of court time	(vi) any other reason	(iii) failure to appear by an accused	(iv) failure to appear by a witness	(v) lack of court time	(vi) any other reason
(a) Kirkcaldy Sheriff Court	12	263	34	29	8	251	94	25	6	229	105	27
(b) Dunfermline Sheriff Court	9	41	14	23	6	70	18	29	4	53	21	17
(c) Dundee Sheriff Court	16	245	80	38	14	209	78	40	7	203	111	40

	2013/14			2014/15				
	(iii) failure to appear by an accused	(iv) failure to appear by a witness	(v) lack of court time	(vi) any other reason	(iii) failure to appear by an accused	(iv) failure to appear by a witness	(v) lack of court time	(vi) any other reason
(a) Kirkcaldy Sheriff Court	9	259	86	27	8	416	191	77
(b) Dunfermline Sheriff Court	3	74	44	14	8	99	72	29
(c) Dundee Sheriff Court	4	171	58	47	6	279	95	52

Sheriff Court Solemn Trial Adjourments By Reason												
	2010/11			2011/12			2012/13			(vi) any other reason	(v) lack of court time	(vi) any other reason
	(iii) failure to appear by an accused	(iv) failure to appear by a witness	(v) lack of court time	(iii) failure to appear by an accused	(iv) failure to appear by a witness	(v) lack of court time	(iii) failure to appear by an accused	(iv) failure to appear by a witness	(v) lack of court time			
(a) Kirkcaldy Sheriff Court	0	1	0	0	0	1	0	0	1	1	2	4
(b) Dunfermline Sheriff Court	0	1	0	0	0	0	0	0	0	0	3	1
(c) Dundee Sheriff Court	0	12	2	3	7	12	1	1	0	5	11	0

	2013/14			2014/15			(vi) any other reason	(v) lack of court time	(vi) any other reason
	(iii) failure to appear by an accused	(iv) failure to appear by a witness	(v) lack of court time	(iii) failure to appear by an accused	(iv) failure to appear by a witness	(v) lack of court time			
(a) Kirkcaldy Sheriff Court	0	5	4	1	4	0	10	2	
(b) Dunfermline Sheriff Court	0	0	1	3	10	0	30	3	
(c) Dundee Sheriff Court	0	5	9	2	14	3	54	3	

NOTE:

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

For headings marked with (iii) to (vi), the reasons for adjournment for a trial are normally recorded manually in each individual case file. For example: the Crown may make a motion for adjournment for the reason that a witness is absent. The SCTS case management system does contain some limited information for some cases on the reason for adjournment, which is provided in the tables above: please note that this information is not a complete breakdown of reasons for every adjournment.

For the headings marked (vi), 'Any other reason' includes the established continuation reasons from the SCTS 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'; and
- 'Completion of evidence'

There are other, much less common, reasons for adjournment that are recorded in a free text field on the SCTS case management system. We have not interrogated this information. Therefore, please note that the information provided for headings marked (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 headings marked with (iii) to (v).

