

CRIMINAL COURTS
Practice Note No 1 of 2025
Summary Case Management

Introduction

[1] Practice Note No 2 of 2022 dated 1 September 2022 made provision for summary criminal complaints which fell within the ambit of the Summary Case Management Pilot in Dundee, Hamilton and Paisley Sheriff Courts. The SCM Pilot was extended to all summary complaints involving charges of domestic abuse¹ in Glasgow and Perth Sheriff Courts in 2024.

[2] Following the success of the SCM Pilot, Summary Case Management will be introduced in all sheriff courts in Scotland.

Commencement

[3] This Practice Note will commence in accordance with the provisions of Schedule 1. It will take effect in the court specified in column 1 of Schedule 1 on the date specified in column 2², in relation to the types of business specified in column 3. Practice Note No 2 of 2022, and related Practice Notes issued by the Sheriffs Principal of Glasgow and Strathkelvin³ and Tayside, Central and Fife⁴ are hereby revoked.

Objective

[4] Proper judicial control over the use of court time is an important part of the entitlement to a fair and public hearing within a reasonable time. It is also in the interest of justice that proceedings are managed efficiently and effectively. Sheriffs therefore have a duty to manage actively all stages of summary criminal proceedings. Both the Crown and the defence have a duty to assist the sheriffs in that task.

¹ charges under the Domestic Abuse (Scotland) Act 2018 and any charges with a domestic abuse aggravation

² Any changes to these dates will be notified by the Sheriff Principal to justice partners without the need for any further Practice Note.

³ Practice Note No 1 of 2024 dated 22 January 2024.

⁴ Practice Note 1 of 2024 dated 24 April 2024.

[5] The objective of this Practice Note is to introduce measures designed to promote greater efficiency and the better use of available resources. It provides guidance on the practices which the Crown and the defence will be expected to adopt to enable the sheriff to perform an active case management role, at the first calling or at any continued without plea diet. SCM courts will focus upon early disclosure and early judicial case management in order to reduce the number of cases proceeding unnecessarily to a trial diet. The measures introduced by this Practice Note will allow the accused to be better informed and advised of the case against him or her before he or she is called upon to tender a plea.

Unrepresented accused and those remanded in custody

[6] This Practice Note will not apply to cases in which the accused is unrepresented at first calling or at any continued without plea diet. In such cases, the sheriff may, having taken due account of the parties' submissions, continue the case without plea to allow the Crown to effect disclosure and to enable the accused to obtain legal advice and representation.

[7] This Practice Note will not apply to those accused who have been remanded in custody for trial at the first calling. In such cases, the court will expect the parties to have considered disclosed evidence and to have engaged in meaningful discussions on the agreement of evidence at the intermediate diet, if a plea of not guilty is to be maintained.

Pre-Appearance

[8] In relation to all summary complaints involving charges of domestic abuse⁵, key evidence will be received by the Crown from the police, and will be disclosed to the defence, prior to the first calling (whether an accused is appearing from custody, on

⁵ Other case types may be added to this category by the Sheriffs Principal who will communicate the addition of case types to all justice partners and sheriffs within their sheriffdom without the need for further practice notes.

an undertaking or is cited to attend court). Key evidence is the evidence required for proof of the offence such as a statement from the complainer or other eye-witnesses, photographs, video and any forensic evidence.

[9] In relation to any other complaint, specified disclosure material may be made available to the defence prior to or at the first calling.

[10] The disclosable summary of evidence will be intimated by the Crown to the defence upon service of the complaint.

[11] As disclosable evidence cannot be made available unless the Crown is in receipt of a letter of engagement, defence agents will be expected to submit letters of engagement to the Crown immediately upon receiving instructions to represent an accused.

[12] The summary of evidence and the disclosure of key or specified evidence will allow the defence to engage meaningfully with the Crown to facilitate early pleas of guilty, or, failing which, prevent the unnecessary citation of witnesses in relation to evidence which is capable of agreement. It will facilitate early and meaningful judicial case management. The court will assume that, in every such case, there is either scope for resolution of the case or for the agreement of evidence.

[13] Appearances are necessary to allow judicial case management at the first calling (or at any continued without plea diet) in all cases that are not immediately resolved by a plea of guilty. In order to ensure that effective case management takes place, letter pleas of not guilty are discouraged.

First calling (Pleading diet) in domestic abuse cases

[14] At the first calling of cases involving charges of domestic abuse (or any other case type where it has been agreed that key evidence will be supplied before the first calling⁶), the court will expect the accused to provide his or her agent with sufficient instructions to allow the agent to:

⁶ The addition of other case types will be a matter for the Sheriffs Principal who will communicate the addition of case types to all justice partners and sheriffs within their sheriffdoms without the need for further practice notes.

- (a) comply with the terms of this Practice Note;
- (b) comply with the terms of section 257 (*duty to seek agreement of evidence*) of the Criminal Procedure (Scotland) Act 1995; and
- (c) provide the court with sufficient information for the completion of a case management note,

failing which the case will be continued without plea in terms of section 145 (*adjournment for inquiry at first calling*) of the 1995 Act for a period of up to 3 weeks, without the court calling upon the accused to tender a plea.

First calling (Pleading Diet) in non-domestic cases

[15] At the first calling of cases which do not involve charges of domestic abuse, where the defence have received specified disclosure material in terms of paragraph [9] prior to the first calling, the court will expect the accused to provide his or her agent with sufficient instructions to allow the agent to:

- (a) comply with the terms of this Practice Note;
- (b) comply with the terms of section 257 of the 1995 Act ; and
- (c) provide the court with sufficient information for the completion of a case management note,

failing which the case will be continued without plea in terms of section 145 of the 1995 Act for a period of up to 4 weeks, without the court calling upon the accused to tender a plea.

Judicial Case Management (all case types)

[16] A copy of the disclosable summary of evidence will be provided to the sheriff. The court will expect agents to have discussed the summary of evidence and any key or specified disclosure material with their clients prior to a first calling or, if the case is continued, prior to any continued without plea diet.

[17] At a first calling (or at any continued without plea diet) the court will expect the Crown and the defence to have fully explored the possibility of resolution of the case

without the need for a trial.

[18] If a plea of not guilty is tendered, the sheriff will take a proactive approach to case managing the proceedings. The sheriff will complete a case management note in the form set out in Schedule 2. The Crown and the defence will be expected to provide the sheriff with sufficient information to enable the sheriff to ascertain the matters set out in the case management note. The Crown and the defence will be expected to have resolved any outstanding issues of disclosure or legal aid and will be expected to be in a position to address the court on dates to avoid for trial. The court may ask the parties any question, make such orders, and give such directions as may be necessary for the purpose of managing the case effectively and may continue the case until later in the day for inquiries to be made and instructions to be taken on any matter arising.

[19] Upon completion of the case management note, a trial diet will be assigned. Intermediate Diets and Pre-Intermediate Diet Meetings will be dispensed with unless the sheriff considers that an Intermediate Diet is necessary, in which case, the reasons for assigning such a diet or meeting will be recorded in the court minutes.

[20] If after a trial diet has been assigned, an agreed plea of guilty is to be tendered, in order to ensure that cases do not call at a trial diet unnecessarily and witnesses are not inconvenienced, the court will expect the Crown and the defence to make an appropriate application in terms of section 137 (*alteration of diets*) of the 1995 Act to bring this to the attention of the court.

Trial Diet

[21] As each case will have been subject to early judicial case management, there will be an expectation that trials will proceed. The Crown and the defence will be expected to lodge an application in terms of section 134 (*incidental applications*) or section 137 of the 1995 Act in the event that an adjournment of the trial diet is sought.

[22] Trial courts will convene promptly at 10am. The court will assume that all trials are ready to proceed. Each case will be called to establish those trials which are expected to proceed and those which can be disposed of by way of plea or desertion.

[23] Motions to adjourn on the date of the trial diet should be avoided. Such motions will not be granted at 10am. The court will adopt a problem solving approach to the issue giving rise to the motion to adjourn to allow the trial to proceed. In particular:

- (a) where Crown witnesses are absent, the court will expect to be addressed on the steps taken by the Crown to ensure their attendance. The court will expect the depute to make enquiries to ascertain whether the attendance of the witnesses can be secured in the course of the day;
- (b) where some witnesses are absent, the court will seek to capture the evidence of those witnesses in attendance and part-hear the trial to prevent re-citation of those witnesses;
- (c) where evidence is available to be disclosed but has not in fact been disclosed, the depute will be asked to disclose the evidence and the trial will recall to allow the disclosed material to be considered by the defence. Where outstanding disclosure is not available, the court will expect the depute to explain what steps were taken in advance of the trial to address this;
- (d) where the defence seek an adjournment because legal aid is outstanding, the case will be recalled and the defence agent will be asked to contact the Scottish Legal Aid Board to resolve the issue.

[24] When considering whether to grant or refuse any motion to adjourn, the sheriff will have regard to the information contained in the case management note.

CJM SUTHERLAND

Lord Justice General

Edinburgh

10 January 2025

Schedule 1

Effective date of Practice Note No 1 of 2025 in Sheriff Courts

Sheriff Court	Date	Nature of Diet
Aberdeen	W/C 21 April 2025	All first callings in domestic abuse cases
	W/C 23 June 2025	All first callings in all other summary cases
Airdrie	W/C 27 October 2025	All first callings in domestic abuse cases
	W/C 08 December 2025	All first callings in all other summary cases
Alloa	W/C 24 February 2025	All first callings in domestic abuse cases
	W/C 12 May 2025	All first callings in all other summary cases
Ayr	W/C 15 September 2025	All first callings in domestic abuse cases
	W/C 27 October 2025	All first callings in all other summary cases
Banff	W/C 14 April 2025	All first callings in domestic abuse cases
	W/C 23 June 2025	All first callings in all other summary cases
Campbeltown	W/C 22 December 2025	All first callings in domestic abuse cases
	W/C 29 December 2025	All first callings in all other summary cases
Dumbarton	W/C 15 December 2025	All first callings in domestic abuse cases
	W/C 29 December 2025	All first callings in all other summary cases
Dumfries	W/C 08 September 2025	All first callings in domestic abuse cases
	W/C 20 October 2025	All first callings in all other summary cases
Dundee	13 January 2025	All first callings
Dunfermline	W/C 24 February 2025	All first callings in domestic abuse cases
	W/C 12 May 2025	All first callings in all other summary cases

Dunoon	W/C 22 December 2025	All first callings in domestic abuse cases
	W/C 29 December 2025	All first callings in all other summary cases
Edinburgh	W/C 28 July 2025	All first callings in domestic abuse cases
	W/C 15 September 2025	All first callings in all other summary cases
Elgin	W/C 14 April 2025	All first callings in domestic abuse cases
	W/C 23 June 2025	All first callings in all other summary cases
Falkirk	W/C 24 February 2025	All first callings in domestic abuse cases
	W/C 12 May 2025	All first callings in all other summary cases
Forfar	W/C 24 February 2025	All first callings in domestic abuse cases
	W/C 12 May 2025	All first callings in all other summary cases
Fort William	W/C 09 June 2025	All first callings in domestic abuse cases
	W/C 11 August 2025	All first callings in all other summary cases
Glasgow	13 January 2025	All first callings in domestic abuse cases
	14 January 2025	All first appearances from custody
	07 April 2025	All first appearances following citation
	21 April 2025	All first appearances on an undertaking
Greenock	W/C 15 December 2025	All first callings in domestic abuse cases
	W/C 29 December 2025	All first callings in all other summary cases
Hamilton	13 January 2025	All first callings
Inverness	W/C 02 June 2025	All first callings in domestic abuse cases
	W/C 03 August 2025	All first callings in all other summary cases
Jedburgh	W/C 21 July 2025	All first callings in domestic abuse cases

	W/C 08 September 2025	All first callings in all other summary cases
Kilmarnock	W/C 15 September 2025	All first callings in domestic abuse cases
	W/C 27 October 2025	All first callings in all other summary cases
Kirkcaldy	W/C 24 February 2025	All first callings in domestic abuse cases
	W/C 12 May 2025	All first callings in all other summary cases
Kirkwall	W/C 09 June 2025	All first callings in domestic abuse cases
	W/C 11 August 2025	All first callings in all other summary cases
Lanark	W/C 27 October 2025	All first callings in domestic abuse cases
	W/C 08 December 2025	All first callings in all other summary cases
Lerwick	W/C 09 June 2025	All first callings in domestic abuse cases
	W/C 11 August 2025	All first callings in all other summary cases
Livingston	W/C 21 July 2025	All first callings in domestic abuse cases
	W/C 08 September 2025	All first callings in all other summary cases
Lochmaddy	W/C 09 June 2025	All first callings in domestic abuse cases
	W/C 11 August 2025	All first callings in all other summary cases
Oban	W/C 22 December 2025	All first callings in domestic abuse cases
	W/C 29 December 2025	All first callings in all other summary cases
Paisley	13 January 2025	All first callings
Perth	13 January 2025	All first callings in domestic abuse cases
	W/C 12 May 2025	All first callings in all other summary cases
Peterhead	W/C 14 April 2025	All first callings in domestic abuse cases
	W/C 23 June 2025	All first callings in all other summary cases

Portree	W/C 09 June 2025	All first callings in domestic abuse cases
	W/C 11 August 2025	All first callings in all other summary cases
Selkirk	W/C 21 July 2025	All first callings in domestic abuse cases
	W/C 08 September 2025	All first callings in all other summary cases
Stirling	W/C 24 February 2025	All first callings in domestic abuse cases
	W/C 12 May 2025	All first callings in all other summary cases
Stornoway	W/C 09 June 2025	All first callings in domestic abuse cases
	W/C 11 August 2025	All first callings in all other summary cases
Stranraer	W/C 08 September 2025	All first callings in domestic abuse cases
	W/C 20 October 2025	All first callings in all other summary cases
Tain	W/C 09 June 2025	All first callings in domestic abuse cases
	W/C 11 August 2025	All first callings in all other summary cases
Wick	W/C 09 June 2025	All first callings in domestic abuse cases
	W/C 11 August 2025	All first callings in all other summary cases

Schedule 2
Case Management Note

PF v _____

Date: _____

Sheriff: _____

Diet: _____

ISSUE	CROWN	DEFENCE
LETTER OF ENGAGEMENT		YES/NO
DISCLOSURE (please note what is requested/outstanding and why?)		
MATTERS IN DISPUTE/DEFENCES (please discuss and note the nature of the defence and the number of defence witnesses)		
IMPORTANT: AGREEMENT OF EVIDENCE (please seek to identify what is capable of being agreed having regard to the nature of the charge; your discussion should always include identification, reply to caution and charge and other likely non-controversial police or expert evidence)		
ISSUES (please note any matters which may assist the sheriff dealing with a further CWP/trial including matters relevant to a future motion to adjourn)		