



CRIMINAL COURT MODELLING



August 2026

Introduction and Key Points

This paper provides modelling for criminal business in Scotland's High Court and Sheriff Courts over the coming years. It provides an indication of the likely levels of business (in the form of projected scheduled trial numbers and associated waiting periods) drawing on the current assessment of future case levels which provides an indication of the level of court provision that will be necessary to maintain an effective system.

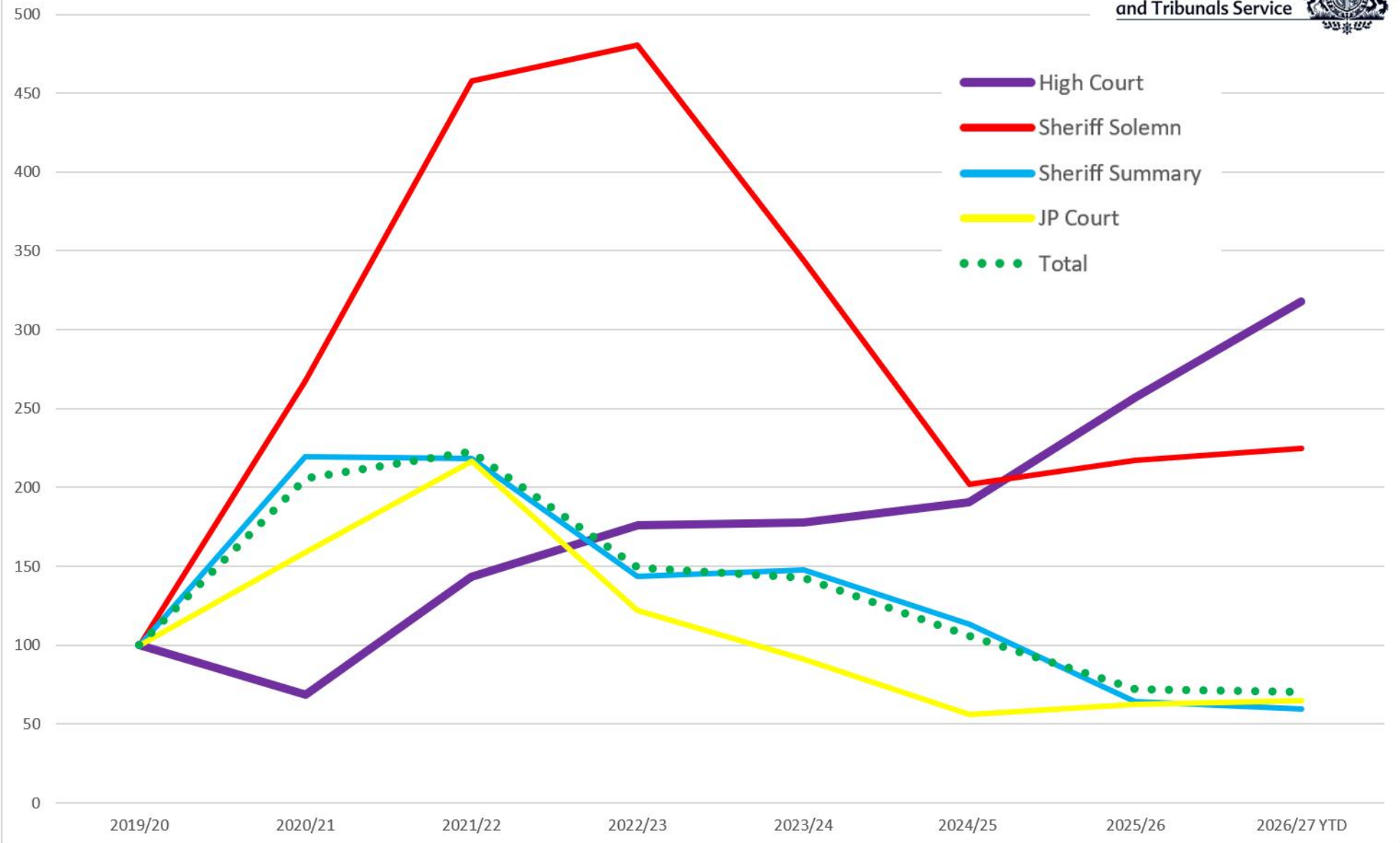
Scheduled criminal trials in Scotland more than doubled to a peak of 43,606 in January 2022 due to the COVID-19 pandemic and increased levels of solemn business. The introduction of additional trial courts and summary criminal reforms reduced the backlog to 12,992 as at the end of July 2026. While this represents substantial progress, the national figure masks a significant and continuing pressure in solemn business. In particular, High Court scheduled trials remain at more than twice their 2019/20 level and continue to rise as the volume and complexity of serious criminal business increases. The chart below shows criminal trial court backlogs over the past five years indexed to 100 (a technique that simplifies situations where there are significantly different business volumes – see note 6 on page 17). This shows:

- The High Court has continued to rise when compared to the 2024/25 position and still sits at more than twice the 2019/20 level
- Sheriff solemn rose marginally from the 2024/25 position but still remains at a level that is double the level in 2019/20
- Sheriff summary has fallen below the levels seen in 2024/25 and remains substantially lower than position in 2019/20
- Justice of the Peace Courts reduced to half the 2019/20 position and has risen slightly when compared with the 2024/25 level
- Nationally, trial backlogs fell below the 2024/25 position but this masks the fact that solemn backlogs are more than double what they were five years ago with High Court continuing to rise and just how significantly Sheriff and Jury business was impacted.

There is continuing pressure in solemn business, in the High Court this increase is being driven by sustained growth in the volume and complexity of serious criminal business. The latest forecasts provided by COPFS anticipate a period of significantly higher indictment registrations, followed by continued growth in new business over the longer term. The volume of complex, multi-accused and lengthy trials also places additional demands on court and judicial capacity. Against this background, the current level of solemn court provision should be regarded as the operational baseline required for 2026/27 rather than temporary recovery capacity. The planned increase in High Court provision reflects the changing balance of demand, with resources having been reallocated from sheriff solemn business. As sheriff solemn volumes and waiting periods also remain under pressure, future capacity decisions will require careful assessment of the system-wide and local impacts.

Summary Case Management was fully rolled out across Scotland's sheriff courts in January 2026 and has already contributed to a reduction in scheduled summary trials by supporting earlier resolution and reducing the number of cases requiring a trial diet. The modelling indicates that these efficiencies may allow summary criminal business to operate with fewer trial courts, with some capacity repurposed to support earlier case management activity. However, the effects of the national rollout should continue to be evaluated before further changes are made. Any future capacity decisions should reflect local demand, maintain timely access to justice and be developed in consultation with the judiciary and other justice organisations. Wider work also continues to improve court utilisation and operational efficiency across solemn business.

Scheduled Criminal Trials in Scotland Indexed to 2019/20 (=100)



Background

In response to the impact of the pandemic on criminal case backlogs, and the continued trend of increasing solemn case levels, the criminal court recovery programme commenced in September 2021. An additional 4 trial courts were allocated to the High Court, 2 for Sheriff Solemn and 10 for Sheriff Summary. In April 2023, resources were switched from summary to solemn. An additional 2 trial courts were introduced in the High court and an additional 6 for Sheriff Solemn. At this point the 10 additional Sheriff Summary trial courts were removed. In April 2026, 6 additional Sheriff solemn courts were removed. Resources released from sheriff solemn provision will enable a further expansion of High Court capacity, comprising an additional Preliminary Hearing court from October 2026 and four additional High Court trial courts from January 2027.

Scotland's trial court capacity from April 2026 in the Sheriff Courts and from January 2027 in the High Court is therefore as follows:

- High Court: 26 trial courts (+18% compared to March 26);
- Sheriff Solemn: 20 trial courts (-23% compared March 26);
- Sheriff Summary: 28 trial courts (-15% compared to March 26).

While modelling is not an exact science, it helps assess different scenarios and inform future decisions. Actual trial backlogs and waiting periods will remain sensitive to changes in both registration levels (input) and in trial court capacity (throughput). The combination of this annual modelling report and the regular publication of criminal case throughput reports allows measurement of the impact of the current programme on both scheduled trials and waiting periods, illustrating the progress being made and the challenges ahead. The modelling is based on the best available information at time of publication and it can be updated if there is evidence of significant, sustained change in assumed registration levels or throughput.

This updated report is the result of extensive analysis of the court programme, the change in backlogs, the levels of new petitions (which indicate trends in registered indictments) and impact of summary case management (SCM).

Future Business Levels – Analysis

The COPFS forecast for new solemn business takes account of the impact of the temporary extensions to statutory time limits introduced under the Coronavirus (Recovery and Reform) (Scotland) Act 2022. It also reflects continuing underlying growth in serious criminal business. Developments affecting the prosecution of sexual offences, including the potential impact of the 2023 judgment on corroboration, may lead to further increases in petitions and subsequent indictments.

The modelling indicates that High Court scheduled trial numbers and waiting periods will continue to increase, reflecting the sustained upward trend in new business evident before the pandemic. Additional High Court trial capacity will therefore be required over the longer term to prevent further deterioration and maintain waiting periods at a more stable, although significantly elevated, level. Under the planned capacity scenario, scheduled trial numbers and waiting periods are projected to keep growing

for the coming 18 months and then plateau from around March 2028, rather than reduce towards pre-pandemic levels.

Additional capacity alone will not therefore resolve the underlying pressure. Sustained improvement will require wider reform of the criminal case journey, including the work SCTS is seeking to progress with other justice organisations through the Joining Up Justice programme and related Criminal Case Management Reform. This will consider how changes to people, processes, technology and information sharing can improve case progression, make better use of available capacity and support shorter and more reliable case journeys.

These pressures continue to be considered through the Criminal Justice Board and in discussions with the Faculty of Advocates and the Law Society of Scotland. This engagement considers the pressures on the legal profession alongside the wider operational and system changes required to improve case progression, court utilisation and capacity.

Modelling tables, Charts & Commentary

Pages 6-15 of this paper provide modelling data and charts for each of: The High Court (p6-9); Sheriff solemn courts (p10-12); and sheriff summary courts (p13-15) alongside commentary to explain the projections and detail presented.

High Court

High Court 2700 Indictments registered in 2026/27 then 10% increase in 2027/28, then 1400 indictments registered in 2028/29 then 10% increase each April from April 2029 onwards	Projected Scheduled Trials as at end of:					
	Mar-26	Mar-27	Mar-28	Mar-29	Mar-30	Mar-31
16 Trial Courts from April 2026 (core funding)	1002	2219	3482	3782	4181	4691
22 Trial Courts (current position)	1002	1946	2937	2964	3091	3328
26 Trial Courts from January 2027 (+4 extra)	1002	1901	2710	2555	2501	2556
28 Trial Courts from January 2027 (+6 extra)	1002	1878	2596	2351	2206	2170

High Court 2700 Indictments registered in 2026/27 then 10% increase in 2027/28, then 1400 indictments registered in 2028/29 then 10% increase each April from April 2029 onwards	Projected Ave. weeks to Evidence Led Trial as at end of:					
	Mar-26	Mar-27	Mar-28	Mar-29	Mar-30	Mar-31
16 Trial Courts from April 2026 (core funding)	50	111	174	189	209	234
22 Trial Courts (current position)	50	97	147	148	154	166
26 Trial Courts from January 2027 (+4 extra)	50	95	135	128	125	128
28 Trial Courts from January 2027 (+6 extra)	50	94	130	117	110	108

Average weeks to Evidence Led Trial is 'Average weeks from Pleading Diet to Evidence Led Trial where ELT occurs in month shown'

The principal challenges affecting High court business are:

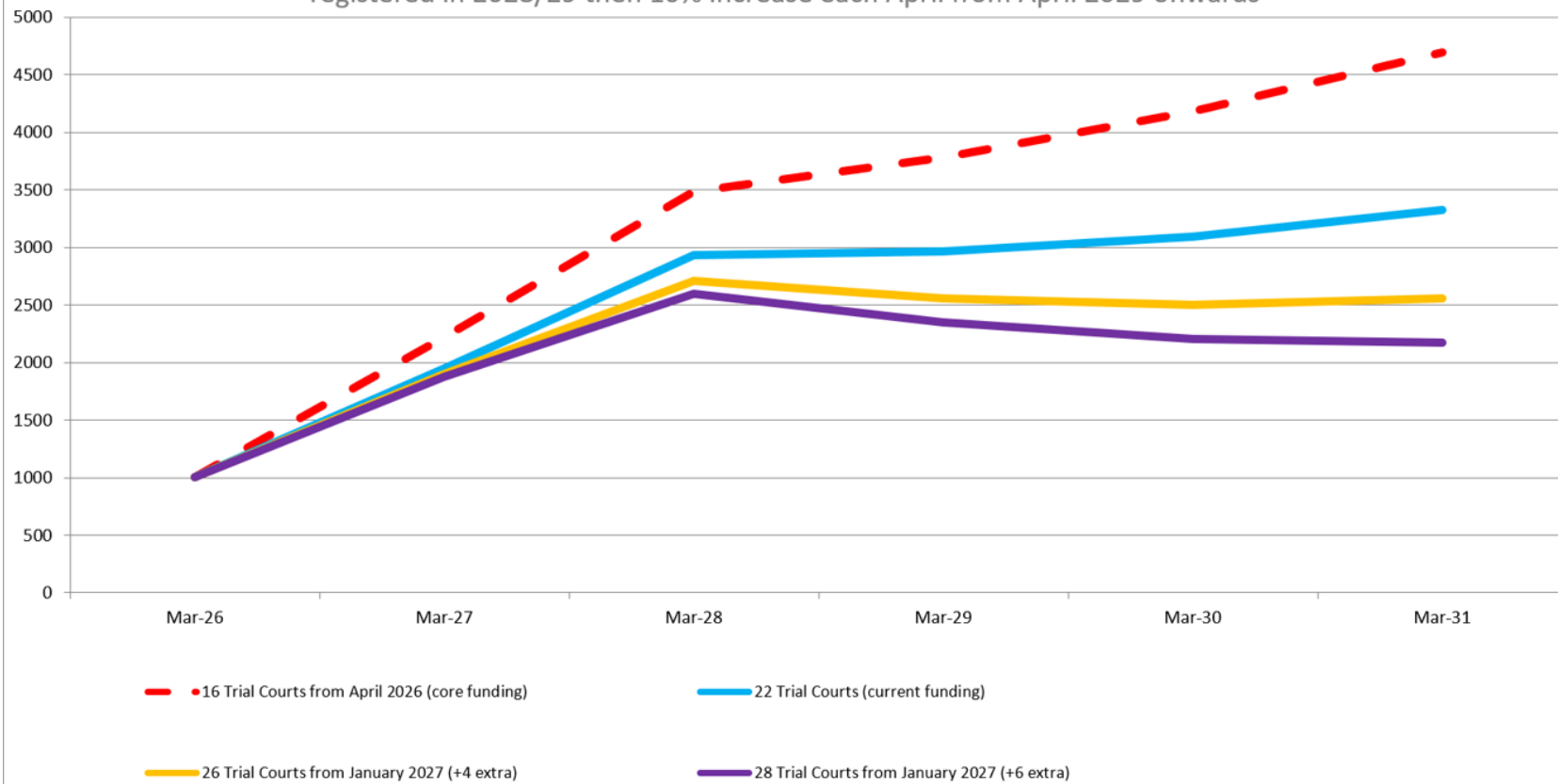
- **The sustained volume of complex, multi-accused and lengthy trials, together with the demands arising from multi-judge appeals.**
- **The projected increase in new business.** COPFS forecasts anticipate a period of significantly higher indictment registrations, reflecting the impact of the temporary extensions to statutory time limits alongside wider growth in serious criminal business. Following this period, the forecasts assume continued annual growth in underlying business, consistent with the upward trend evident before the pandemic. Developments affecting the prosecution of sexual offences may place further pressure on future petition and indictment levels, although their full impact cannot yet be quantified.

- **Constraints on judicial capacity.** These currently limit the number of courts that can sit and, in turn, the volume of scheduled trials that can be concluded. High Court utilisation was 78% during the first quarter of 2026/27, compared with 83% during 2025/26, with judicial resource constraints accounting for 81% of non-sitting days during the quarter. Four new Senators of the College of Justice are due to be installed in September 2026, with a further Senator due to be installed in January 2027. Work is also under way to increase the availability of temporary judges. Together, these measures are expected to support improved court utilisation.
- **The future impact of the proposed National Sexual Offences Court.** SCTS is working with the Scottish Government, the judiciary and justice partners to prepare for its implementation. At the time of publication, there was insufficient information to incorporate the potential effect of the new court on future demand, capacity or case progression within the modelling.

In view of this significant upward trend, the modelling demonstrates the need for the additional High Court trial capacity planned from January 2027. This capacity is expected to stabilise scheduled trial numbers and waiting periods from around March 2028 but not reduce them towards pre-pandemic levels. It must therefore be complemented by wider reform. Through the Joining Up Justice programme and related Criminal Case Management Reform, SCTS is seeking to work with justice partners to improve case progression, information sharing and the effective use of capacity across the criminal case journey. This will require sustained investment and a shared commitment to implementation across the justice system.

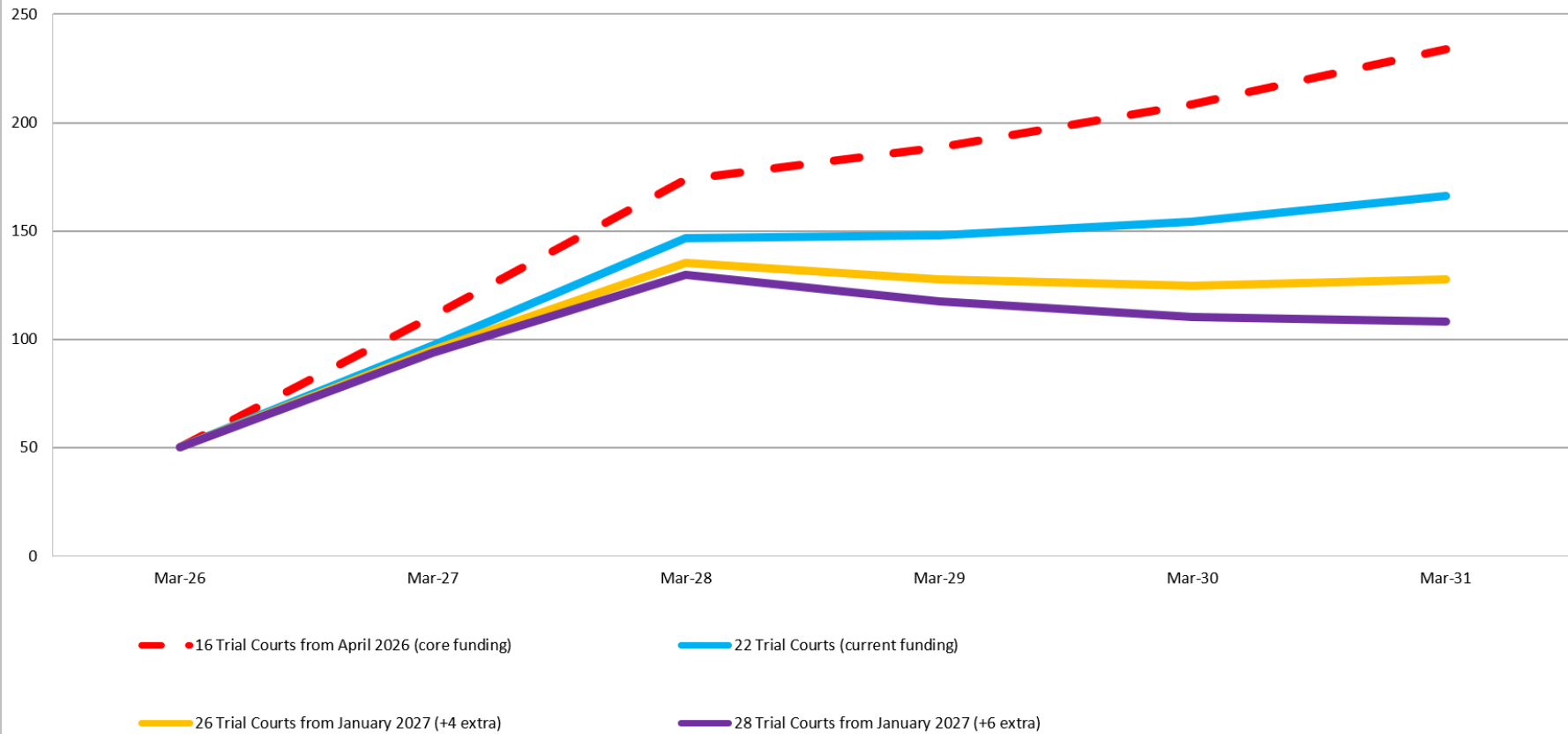
High Court - Projected Scheduled Trials

2700 Indictments registered in 2026/27 then 10% increase in 2027/28, then 1400 indictments registered in 2028/29 then 10% increase each April from April 2029 onwards



High Court - Projected Average weeks to Evidence Led Trial

2700 Indictments registered in 2026/27 then 10% increase in 2027/28, then 1400 indictments registered in 2028/29 then 10% increase each April from April 2029 onwards



Sheriff Court Solemn

Sheriff Court Solemn 6900 indictments registered in 2026/27 then 6700 indictments registered per annum from 2027/28 onwards	Projected Scheduled Trials as at end of:					
	Mar-26	Mar-27	Mar-28	Mar-29	Mar-30	Mar-31
18 Trial Courts from April 2026 (core funding)	1078	1907	2629	3352	4075	4798
20 Trial Courts from April 2026 onwards	1078	1593	2002	2411	2820	3229

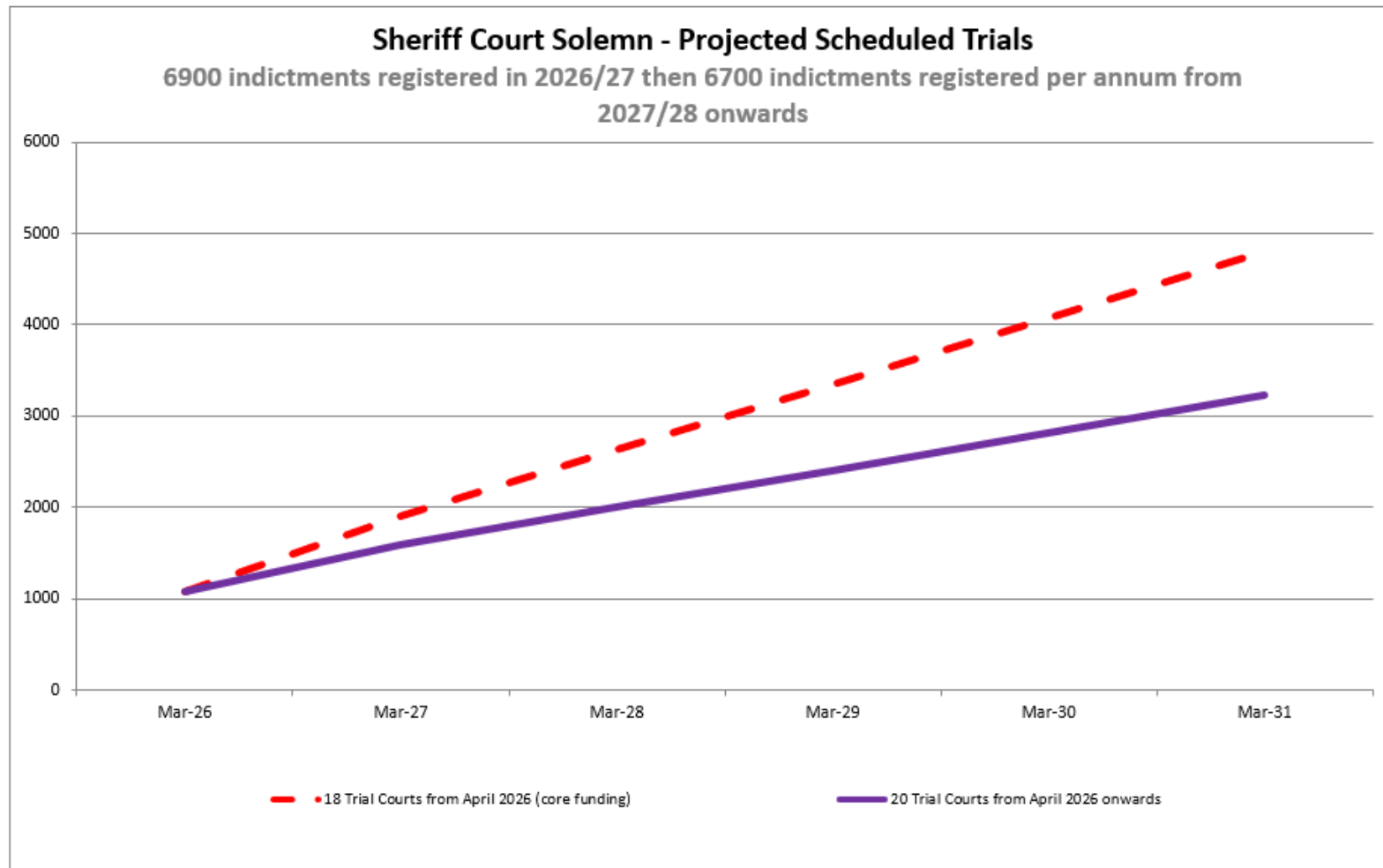
Sheriff Court Solemn 6900 indictments registered in 2026/27 then 6700 indictments registered per annum from 2027/28 onwards	Projected Ave. weeks to Evidence Led Trial as at end of:					
	Mar-26	Mar-27	Mar-28	Mar-29	Mar-30	Mar-31
18 Trial Courts from April 2026 (core funding)	18	32	44	56	68	80
20 Trial Courts from April 2026 onwards	18	27	33	40	47	54

Average weeks to Evidence Led Trial is 'Average weeks from Pleading Diet to Evidence Led Trial where ELT occurs in month shown'

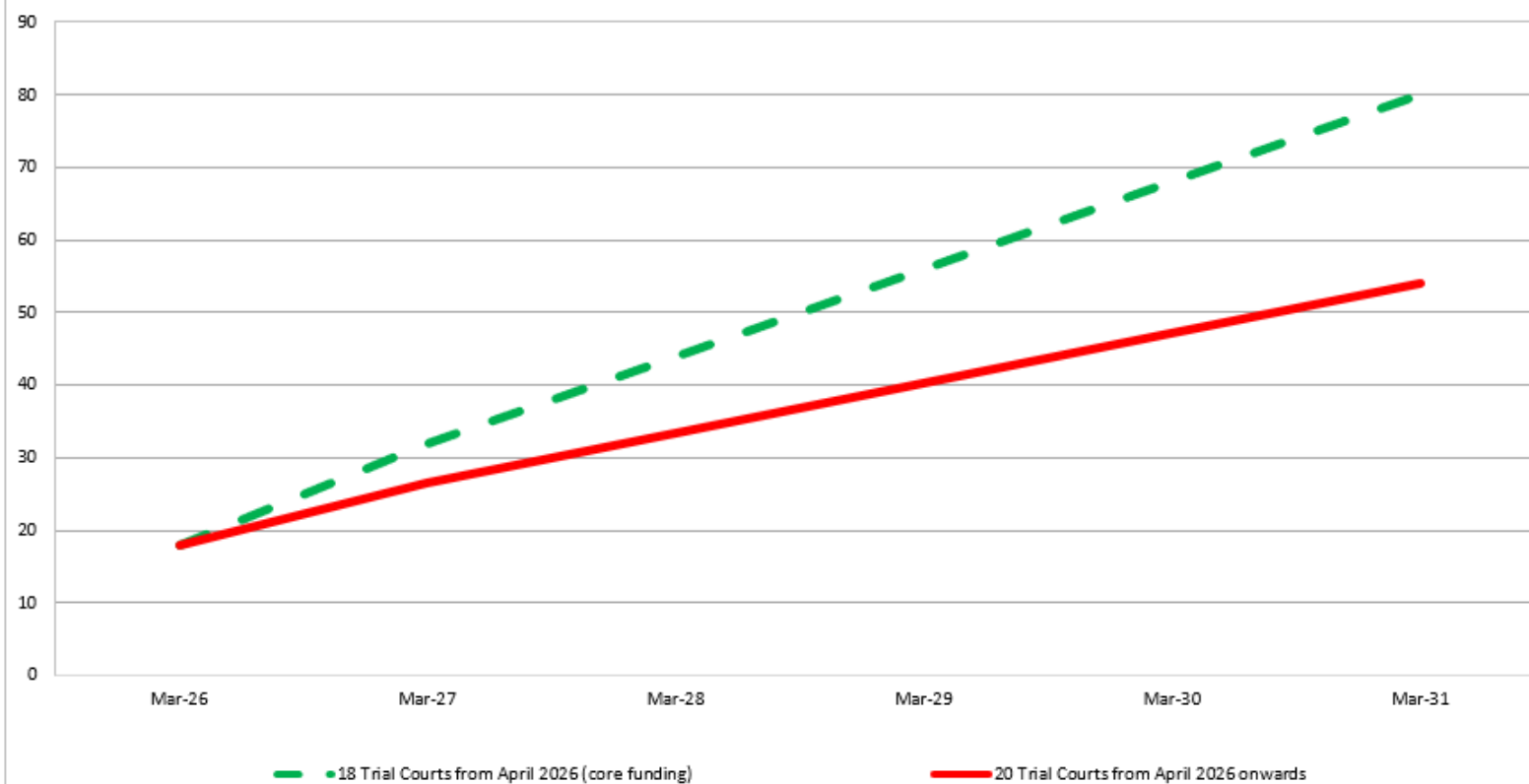
In 2019/20, there were 500 scheduled trials. This rose to nearly five times this level by January 2023 (2472). Significant progress has been made to reduce this backlog, but the current level (1116) remains twice as high as the 2019-20 level (500). COPFS plan to register 575 indictments per month in 2026/27 and nearly 560 indictments per month from 2027/28 onwards. This is significantly higher than 2019-20 levels, further demonstrating the trend of increased solemn case levels.

Trial court capacity remains essential to support current demand and maintain progress in reducing waiting times. While the number of additional trial courts has reduced to 20, volumes remain above pre-pandemic levels and capacity continues to be carefully managed to reflect demand. The focus is on maximising court utilisation and improving operational efficiency to ensure available capacity is used to maximum effect. Decisions on the deployment of capacity continue to be considered at Sheriffdom level to reflect local circumstances. At the time of publication, there was insufficient information to incorporate the potential effect of the proposed new National Sexual Offences court on future demand, capacity or case progression within the modelling.

Scheduled trials and indictments registered in 2025/26 remain similar to the levels seen in 2024/25. This is due to lower levels of new business than forecast and the continued high levels of early guilty pleas (section 76) as evidenced by SCTS [published statistics](#) where the 2025/26 Section 76 volume is on par with the volume seen in 2024/25 - some 50% higher than 2019/20 levels. Early guilty pleas mean trial diets are not fixed so an increase in Section 76 causes a slowdown in the growth of Scheduled trials. The reason for the rise in Section 76 relates to [changes in legal aid](#).



Sheriff Court Solemn - Projected Average weeks to Evidence Led Trial
6900 indictments registered in 2026/27 then 6700 indictments registered per annum
from 2027/28 onwards



Sheriff Court Summary

Sheriff Court Summary 57000 complaints registered in 2026/27 then 54000 complaints registered in 2027/28 then 50000 complaints registered per annum from 2028/29 onwards	Projected Scheduled Trials as at end of:					
	Mar-26	Mar-27	Mar-28	Mar-29	Mar-30	Mar-31
33 Trials Courts (core funding)	9012	9500	9500	9500	9500	9500
28 Trial Courts from April 2027 (-5 courts)	9012	9500	9500	9500	9500	9500

Sheriff Court Summary 57000 complaints registered in 2026/27 then 54000 complaints registered in 2027/28 then 50000 complaints registered per annum from 2028/29 onwards	Projected Ave. weeks to Evidence Led Trial as at end of:					
	Mar-26	Mar-27	Mar-28	Mar-29	Mar-30	Mar-31
33 Trials Courts (core funding)	35	35	35	35	35	35
28 Trial Courts from April 2027 (-5 courts)	35	35	35	35	35	35

Average weeks to Evidence Led Trial is 'Average weeks from Pleading Diet to Evidence Led Trial where ELT occurs in month shown

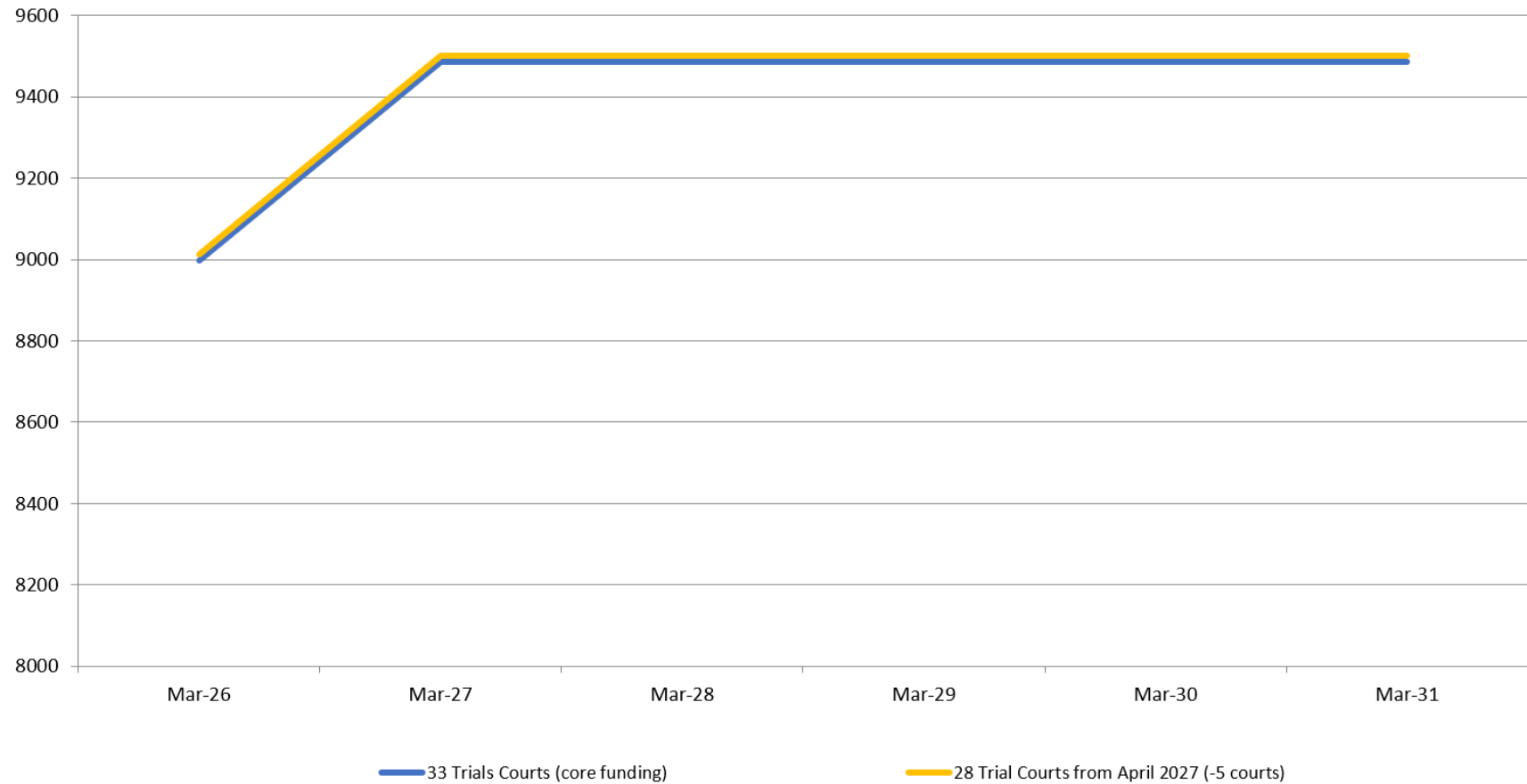
There has been a recent downward trend in scheduled trials, driven by the rollout of summary case management. This reduction is expected to stabilise over time. However, due to the high volume of cases currently at pleading diet stage, it is anticipated volumes will remain around 9500 as those cases progress through the system.

The model shows that the efficiencies introduced to the system by summary case management will allow for continued operation with twenty-eight trials courts, five below the thirty-three budgeted for in the core funding.

Summary Case Management has delivered efficiencies and has supported the repurposing of some trial court capacity to facilitate earlier case management activity within the summary case journey. This approach helps maximise the benefits of summary case management by supporting earlier resolution and more effective progression of cases – which provides significant benefits to the Crown, Police and defence – reducing the number of appearances required at court to give evidence and tackling case “churn” – where cases are adjourned on the day of the trial due to the absence of one of the key parties. Any further changes should continue to be considered at Sheriffdom level, reflecting regional requirements and developed in consultation with justice partners.

Sheriff Court Summary - Projected Scheduled Trials

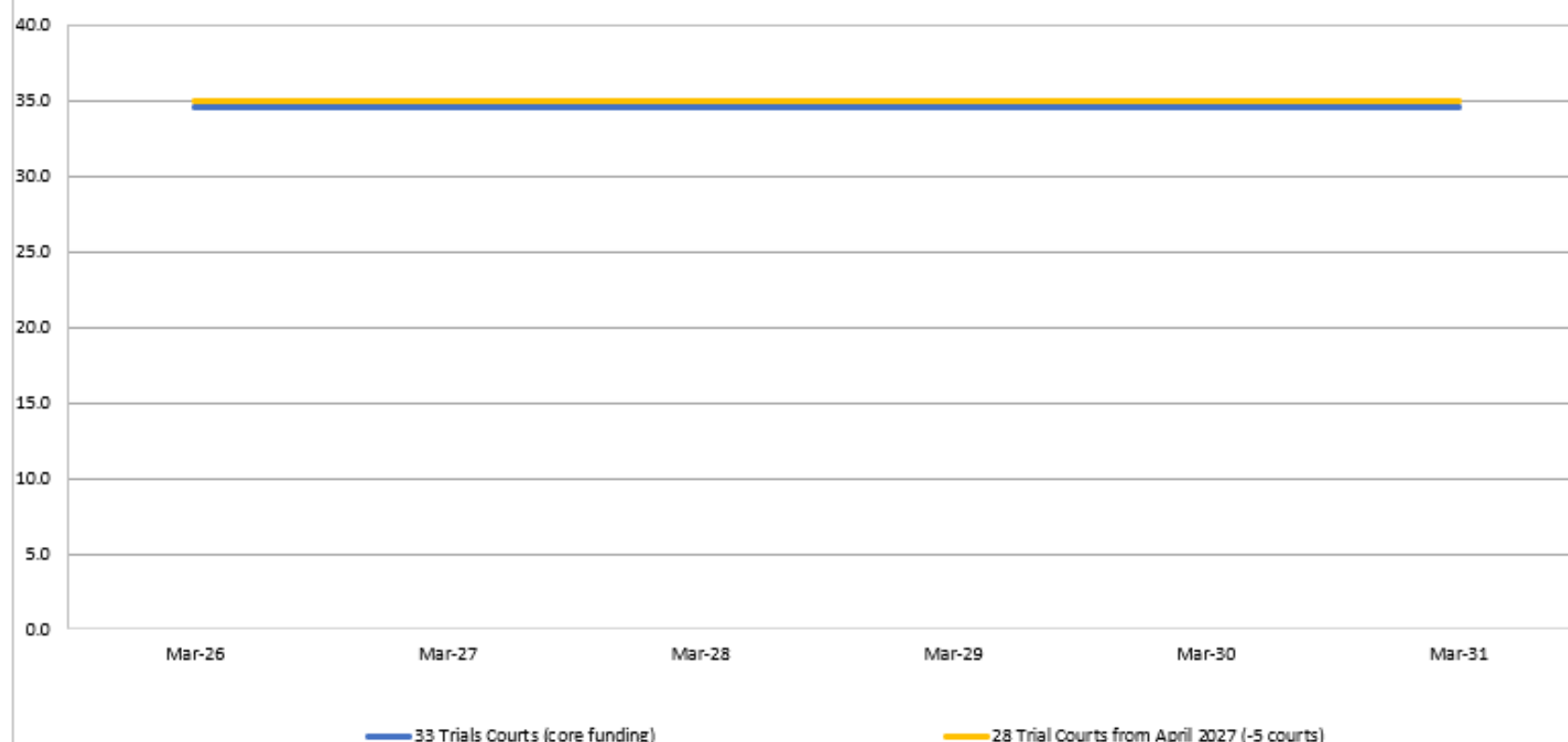
57000 complaints registered in 2026/27 then 54000 complaints registered in 2027/28 then 50000 complaints registered per annum from 2028/29 onwards



Sheriff Court Summary - Projected Average weeks to Evidence Led Trial

57000 complaints registered in 2026/27 then 54000 complaints registered in 2027/28 then 50000 complaints registered per annum from 2028/29 onwards

Average weeks to Evidence Led Trial is 'Average weeks from Pleading Diet to Evidence Led Trial where ELT occurs in month shown



Modelling assumptions and notes

Metrics	High Court	Sheriff Court Solemn	Sheriff Court Summary
Scheduled Trials (pre COVID-19)	390	500	14000
Average weeks to Evidence Led Trial (pre COVID-19)	22	11	23
Trial courtrooms (pre COVID-19)	16	18	33
Average length of Evidence Led Trial	6 days	3 days	2 hours 40 minutes

1. Future levels of business

The models use the latest available business level forecasts supplied by COPFS.

2. Baselines

Core funding – this refers to 16 trial courts at the High Court, 18 for Sheriff Solemn and 33 for Sheriff Summary which are funded within the core SCTS budget from Scottish Government.

3. Projected scheduled trials methodology

Scheduled trials as at last data point plus estimated new trials fixed per month minus trials concluded per month.

4. Projected delay periods methodology

Delay as at last data point divided by scheduled trials at last data point multiplied by projected scheduled trials.

5. Time Periods to Trial Diets

In a complex justice system multiple system factors impact on the time to trial, including; case preparation, availability of forensic evidence, disclosure, witness availability, failure to appear, parties not ready to proceed, lack of court time. These factors create non linearity, which requires further analysis to understand and quantify the modelling complexities. The modelling currently assumes a linear relationship between number of trials forecast and the time to trial, with an estimate of factors built in. Therefore,

some caution is advised when using the time to trial projections. The actual average time between the pleading diet and completed evidence led trials is published on the [SCTS website](#).

6. Indexed to 100

When data is "indexed to 100", it means a specific starting point (often a base year) is assigned a value of 100, and subsequent values are expressed as a percentage of that starting point. This allows for easy comparison of changes over time, with 100 representing the baseline. For example, an index of 110 means a 10% increase from the base, while an index of 90 means a 10% decrease. This is useful when looking at data over time with volumes that are so different that they are difficult to interpret on a volume chart. The High Court has a relatively small volume of the most serious cases while the Sheriff Summary courts has a large volume of less serious business. Indexation enables the data to be shown in a simplified way on a chart that aids interpretation.

Scottish Courts and Tribunals Service

August 2026