



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

EUROPEAN COMMISSION
FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

PILOT-SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS

SCHEME FOR EVALUATING JUDICIAL SYSTEMS

Country: **UNITED KINGDOM**

Contact Name: **Ms DEIRDRE BOYLAN** (Policy Officer – European Policy Unit)

I. General information

1. Number of inhabitants

Number: **58,789,194**

Year of reference: **2001**

Source: **Office of National Statistics**

2. Total annual State/regional public budget

Budget: **Euro 152,1 billion**

Year of reference: **2003**

Source: **Office of National Statistics**

3. Average gross annual salary

Salary: **Euro 36,166**

Year of reference: **2002**

Source: **Office of National Statistics**

II. Access to Justice and to all courts
II. A. Legal aid/cost of justice

4. Annual public budget spent on legal aid

SCOTLAND

Annual budget: **Euro 218.2 million**

Year: **2002/03**

Source: **Scottish Legal Aid Board Annual Report**

5. If possible, specify

SCOTLAND

- the annual public budget spent on legal aid in criminal cases

Annual budget: **Euro 139.7 million**

Year: **2002/03**

Source: **Scottish Legal Aid Board Annual Report**

- annual public budget spent on legal aid in other court cases

Annual budget: **Euro 40.8 million**

Year: **2002/03**

Source: **Scottish Legal Aid Board Annual Report**

6. Total number of legal aid cases (in a year)

SCOTLAND

Number of cases: **381,391**

Year: **2002/03**

Source: **Scottish Legal Aid Board Annual Report**

7. If possible, specify:

SCOTLAND

- the total number of legal aid cases in criminal matters (in a year)

Number of cases: **83,159**

Year: **2002/03**

Source: **Scottish Legal Aid Board Annual Report**

- the total number of legal aid cases in other court cases (in a year)

Number of cases: **35,948**

Year: **2002/03**

Source: **Scottish Legal Aid Board Annual Report**

8. Does your country have an income and asset test for granting legal aid?

Yes/No:

SCOTLAND

Yes, an absolute test in civil cases but a subjective test in criminal cases.

9. If yes, what is the maximum income level for granting legal aid?

SCOTLAND

Income level: **Civil legal aid will be available to a person if the Scottish Legal Aid Board is satisfied that he has probable cause and that it is reasonable in the particular circumstances of the case that he should receive legal aid. The financial limits for 2004-05 below which a contribution is not required are as follows: disposable income of Euro 4,373.72 a year and disposable capital of Euro 9,449. The financial limits for 2004-05 above which civil legal aid is not available are as follows: disposable income of Euro 14,276 a year and disposable capital of Euro 15,754.**

10. Is it possible to refuse legal aid for lack of the merit of the case? (eg. for frivolous or vexatious actions, or cases without merit)

Yes / No: **Yes**

If yes, is the decision taken by : - **the court – in criminal cases**
 - **a body external to the court – in civil cases**
(please indicate the right answer) - a mixed decision-making body (court and external)
 - other:

What factors are taken into account?

SCOTLAND

Factors: **Civil legal aid will be available to a person if the Scottish Legal Aid Board is satisfied that he has probable cause and that it is reasonable in the particular circumstances of the case that he should receive legal aid.**

Criminal legal aid is available from a duty solicitor to those appearing from custody; granted by the court in solemn cases if the expenses of the case would

cause undue hardship to the accused or their family; and by the Scottish Legal Aid Board in summary cases if it is in the interests of justice and the expenses of the case would cause undue hardship to the accused or their family

11. In general do litigants have to pay a court tax or fee to start a proceeding at a general jurisdiction court?

Yes / No / Otherwise: **Yes**

If yes, is this true for : - criminal cases? Yes / No - **No**
 - other than criminal cases? Yes / No - **Yes**

12. Does your country have a private system of legal expenses insurance for individuals?

Yes / No / Otherwise: **Yes**

13. Do judicial decisions have an impact on who bears legal costs which are paid by the parties during the procedure?

Yes / No / Otherwise: **Yes**

If yes, is this true for : - criminal cases ? Yes / No - **Yes**
 - other than criminal cases? Yes / No - **Yes**

14. In your country, have studies been carried out on the costs of cases brought to courts concerning: - users? Yes / No - **Yes**
 - the State? Yes / No - **Yes**

If yes, please indicate the references of these studies published in the year 2002 or 2003:

(Scotland) Scottish Court Service – Annual Report and Accounts 2002/2003: a summary of financial activity and performance. Publication in terms of Section 306 of the Criminal Procedure (Scotland) Act giving details of Criminal Case costs.

II. B. Users of the courts and victims

15. Are there official internet sites/portals (eg. Ministry of justice, etc..) through which the general public may have free access to:

For general info on UK legal system:
England & Wales <http://www.dca.gov.uk/>
Scotland <http://www.scotland.gov.uk>
Northern Ireland <http://www.courtsni.gov.uk>

- legal texts (eg. codes, laws, regulations, etc..)? Yes / No - **Yes**

internet address:

<http://www.hmso.gov.uk/> (relevant links under Access to Information \ Legislation)

<http://www.parliament.uk> (relevant links under Parliamentary Publications and Archives)

- to the case-law of the higher court/s? Yes / No - **Yes**

internet address:

<http://www.dca.gov.uk/> (relevant links under Judges \ Judgements)

- to other documents (for examples legal forms)? Yes / No - **Yes**

internet address:

For England and Wales: <http://www.courtservice.gov.uk> (relevant links under Forms & Guidance).

For Scotland: <http://www.scotcourts.gov.uk/index1.asp>

16. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes / No – **Yes.**

Comments:

See the following web sites:

Home Office <http://www.homeoffice.gov.uk/justice/victims/index.html>

Criminal Justice System Online <http://www.cjsonline.org/virtual/victims.html>

17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime?

Yes / No - **Yes**

Comments:

18. Does your country have a public compensation fund to compensate financially victims of crimes?

Yes / No – **Yes**

Comments: **The Great Britain Criminal Injuries Compensation Scheme provides payments to blameless victims of crimes of violence and those injured in trying to apprehend criminals or prevent crime. The Scheme operates in England, Scotland and Wales. Anyone sustaining injury is eligible to apply. There is a separate scheme for Northern Ireland. The scheme is administered by the Criminal Injuries Compensation Authority (CICA) and the complementary, independent appellate body, the Criminal Injuries Compensation Appeals Panel (CICAP).**

19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) surveys to measure public trust and satisfaction with the services delivered by the judiciary?

Yes / No - **Yes**

If yes, are these surveys

- at national level Yes / No – **Yes**

- at court level Yes / No - **Yes**

20. Is there a national or local procedure for making complaints about the performance of the judiciary (eg. through an ombudsman)?

Yes / No – **Yes**

Please specify:

- at court level/internal procedure Yes / No - **Yes**

- at court level/external procedure Yes / No - **No**

- at national level/internal procedure Yes / No - **Yes**

- at national level/external procedure Yes / No - **No**

Comments:

Information on how to make a complaint are explained in the Victim's Charter produced by the Home Office (see link above). However, the issue of complaints about the performance of the judiciary touches the delicate point of the independence of the judiciary. One way in which this independence is protected is through security of tenure during good behaviour. Since the Act of Settlement of 1701, the Heads of Division, Law Lords, Lords Justices of Appeal and High Court Judges can only be removed by the Queen if requested by an address from both Houses of Parliament. The position of Circuit Judges and other judicial officers is different as they can be removed by the Lord Chancellor if necessary for incapacity or misbehaviour. On 12 April 2000 the Lord Chancellor announced new terms of service intended to put beyond reasonable doubt the safeguards guaranteeing the security of tenure and therefore the independence of part-time office holders. From that date, subject to statutory provision, the specified grounds for non-renewal of part-time office holders whose terms of office are usually for a period of not less than 5 years are generally: misbehaviour; incapacity; persistent failure to comply with sitting requirements (without good reason); failure to comply with training requirements; sustained failure to observe the standards reasonably expected from a holder of such office; part of a reduction in numbers because of changes in operational requirements; and part of a structural change to enable recruitment of new appointees. For all but the last two grounds, decisions not to renew or to remove an office holder are taken by the Lord Chancellor only with the concurrence of the Lord Chief Justice and following an investigation conducted by a judge nominated by him. Decisions not

to renew on the final two grounds are on a "first in first out" principle and the decision to use such grounds and the extent to which they will be used will be decided by the Lord Chancellor with the concurrence of the Lord Chief Justice. For many part-time tribunal office holders the same arrangements apply but tailored to the particular circumstances of each appointment. Where appropriate, the relevant Scottish, Welsh or Northern Ireland Ministers are involved in such decisions and the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland assume the role of the Lord Chief Justice for appointments in Scotland and Northern Ireland respectively. The Lord Chancellor cannot comment on, or intervene in, judicial decisions or the conduct of legal proceedings by a judge. People who are dissatisfied with the decisions or conduct of judges are normally able to appeal to a higher court.

21. As a general rule, do the institutions which receive such complaints have an obligation to respond and/or to deal with the complaint within a certain time limit?

- time limit to respond: Yes / No - **Yes**

- time limit for dealing with the complaint: Yes / No - **Yes**

III. Functioning of courts and efficiency of justice

III. A. Functioning

22. Total number of courts

SCOTLAND

Number of Courts: **Supreme Courts based in Edinburgh (also sits on criminal cases in Glasgow); 49 Sheriff Courts; 1 Stipendiary Magistrates Court and 64 District Courts**

23. Number of general jurisdiction first instance courts

SCOTLAND

Number of courts: **as at number 22**

24. Number of specialised first instance courts

Please specify the different areas of specialisation

SCOTLAND - None

(area of specialisation)

(number of courts)

25. Number of professional judges sitting in courts

(present the information in full time equivalent and for permanent posts)

SCOTLAND

Number of judges: **34 Supreme Court judges; 136 full-time Sheriffs; 53 part-time Sheriffs; and 4 Stipendiary Magistrates**

Year: **2004**

Source: **judges and Sheriffs – Scottish Courts Service Headquarters, Edinburgh. Stipendiary Magistrates – Summary Justice Review Committee – Report to Ministers**

26. Number of non-professional judges sitting in courts

(present the information in full time equivalent and for permanent posts)

Please give details:

SCOTLAND

Number of judges: **749 Justices of the Peace**

Year: **2003**

Source: **Scottish District Courts Statistical Bulletin 2003-2003**

Please give details: **Justices of the Peace sit on an occasional basis in Scotland's District Courts. On average, they sit 7 times a year (per Summary Justice Review Committee – Report to Ministers).**

27. Number of non-judge administrative staff who are working in courts
(present the information in full time equivalent and for permanent posts)

SCOTLAND

Number of staff: **Supreme and Sheriff Courts – 980; District Courts - 251**

Year: **Supreme and Sheriff Courts – 2004; District Courts - 2003**

Source: **Supreme and Sheriff Courts – Scottish Court Service Headquarters, Edinburgh; District Courts – Scottish District Courts Statistical Bulletin 2002-2003**

28. Annual budget allocated to all courts

SCOTLAND

Number of staff: **Supreme and Sheriff Courts – 980; District Courts - 251**

Year: **Supreme and Sheriff Courts – 2004; District Courts - 2003**

Source: **Supreme and Sheriff Courts – Scottish Court Service Headquarters, Edinburgh; District Courts – Scottish District Courts Statistical Bulletin 2002-2003**

29. Annual budget allocated to the Ministry of justice or the institution (for example Judicial Council) which is responsible for the functioning of the courts.

SCOTLAND

Annual budget:

Year:

Source:

30. Has the budget for justice increased during the last 5 years?

SCOTLAND

Yes / No

Budget Year

Budget Year

31. Which institution is formally responsible for setting up the budget devoted to courts?

- the ministry of Justice (or equivalent) Yes / No - **No**
- the Government Yes / No - **No**
- the Parliament Yes / No - **No**
- the Judicial Council Yes / No - **No**
- the Courts Yes / No - **Yes**
- other:

32. Who manages the budget of the courts?

- the President of the Court Yes / No - **No**
- the person administratively responsible for the court Yes / No - **No**
- other: **Court Service (England & Wales), Scottish Court Service (Scotland), Northern Ireland Court Service (Northern Ireland).**

33. Which institution is responsible for arranging and scheduling the court hearings / sessions?

- in criminal cases: the court / public prosecutor / lawyer / other: **Court Service (England & Wales), Scottish Court Service (Scotland), Northern Ireland Court Service (Northern Ireland).**
- in other than criminal cases the court / public prosecutor / lawyer / other: **Court Service (England & Wales), Scottish Court Service (Scotland), Northern Ireland Court Service (Northern Ireland).**

III. B. Efficiency

34. Total number of criminal cases received by the public prosecutor (in a year)

SCOTLAND

Number of cases: **284,191**

Year: **2001**

Source: **Scottish Executive Statistical Bulletin, Criminal Justice Series**

35. Total number of criminal cases dropped by the public prosecutor (in a year)

SCOTLAND

Number of cases: **42,898**

Year: **2001**

Source: **Scottish Executive Statistical Bulletin, Criminal Justice Series**

Please indicate also, out of this total, those dropped as the offender has not been identified

SCOTLAND

Number of cases: **not available**

Year:

Source:

36. Total number of criminal cases which are concluded by a sanction/measure, imposed or negotiated by the public prosecutor (in a year)

SCOTLAND

Number of cases: **46,736**

Year: **2001**

Source: **Scottish Executive Statistical Bulletin, Criminal Justice Series**

37. Total number of criminal cases charged by the public prosecutor before the courts (in a year)

SCOTLAND

Number of cases: **51,222**

Year: **2001**

Source: **Scottish Executive Statistical Bulletin, Criminal Justice Series**

38. Total number of incoming criminal cases in the courts involving robbery cases (in a year)

SCOTLAND

Number of cases: **730**

Year: **2001**

Source: **Scottish Executive Statistical Bulletin, Criminal Justice Series**

39. Total number of judicial decisions, involving robbery (in a year)

SCOTLAND

Number of cases: **729 (includes pleas of not guilty accepted/case withdrawn)**

Year: **2001**

Source: **Scottish Executive Statistical Bulletin, Criminal Justice Series**

Number of convicted persons: **588**

% of convicted persons: **81%**

Number of acquitted persons: **141**

% of acquitted persons: **19%**

40. Percentage of decisions involving robbery subject to an appeal to a higher court (in a year)

SCOTLAND

Percentage of decisions: **not available**

Year:

Source:

41. Total number of incoming criminal cases in the courts, involving intentional homicide (in a year)

SCOTLAND

Number of cases: **101**

Year: **2001**

Source: **Scottish Executive Statistical Bulletin, Criminal Justice Series**

42. Total number of judicial decisions, involving intentional homicide (in a year)

SCOTLANDNumber of decisions: **101**Year: **2001**Source: **Scottish Executive Statistical Bulletin, Criminal Justice Series**Number of convicted persons: **89**% of convicted persons: **88%** 5Number of acquitted persons: **12**% of acquitted persons: **12%**

43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year)

SCOTLANDPercentage of decisions: **not available**

Year:

Source:

44. Total number of incoming civil and administrative cases in the courts (in a year)

SCOTLANDNumber of cases: **120,385**Year: **2002**Source: **Civil Judicial Statistics Scotland 2002**

45. Total number of judicial decisions in civil and administrative matters (in a year)

SCOTLANDNumber of decisions: **93,336 decisions in Sheriff Courts, 3760 in the Court of Session. Total of 97,096**

Year:

Source:

46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year)

SCOTLANDPercentage of decisions: **not available**

Year:

Source:

47. Total number of incoming divorce cases in the courts (in a year)

SCOTLAND

Number of cases: **not available**

Year:

Source:

48. Total number of judicial decisions in divorce cases (in a year)

SCOTLAND

Number of decisions: **10,826 divorces**

Year:

Source:

49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year)

SCOTLAND

Percentage of decisions: **not available**

Year:

Source:

50. Total number of incoming employment dismissal cases in the courts (in a year)

SCOTLAND

Number of cases: **contact Mr Doug Easton
Employment Tribunals**

Year:

Source:

**Eagle Buildings, 215 Bothwell Street
Glasgow G2 7TS, Tel 0141 204 0730**

51. Total number of judicial decisions of employment dismissal cases (in a year)

SCOTLAND

Number of decisions: **as at 50**

Year:

Source:

52. Percentage of decisions concerning employment dismissal cases subject to an appeal to a higher court (in a year)

SCOTLAND

Percentage of decisions: **as at 50**

Year:

Source:

IV. Use of Information Technology in the court

53. Annual IT budget allocated to the courts (if possible in Euro)

SCOTLAND

Annual budget: **2.5M euros for Supreme and Sheriff Courts. No figures available for District Courts.**

Year: **2003-2004**

Source: **Scottish Court Service Headquarters, Edinburgh**

54. In general, do the courts in your country have computer facilities?

- for judges Yes / No - **Yes**

- for non-judges court staff Yes / No - **Yes**

55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

SCOTLAND

Yes / No- **No**

If yes, please specify the name and the address of this institution

(Name)

(Address)

56. What kind of facilities can be used by the clients of the courts to communicate with the courts?

- Telephone Yes / No - **Yes**

- Mail Yes / No - **Yes**

- Fax Yes / No - **Yes**

- E-mail Yes / No - **Yes**

- Internet Yes / No - **Yes**

57. Is there an electronic form to carry out certain procedural steps? Yes / No - **Yes**

V. Fair trial

58. Percentage of adversary judgements in criminal cases in first instance

SCOTLAND

Percentage of judgements: **not available**

Year:

Source:

59. Is there a right to an interpreter for all those within your jurisdiction if the persons cannot understand or speak the language used in court? Yes / No - **Yes**

60. Is there an effective remedy to a superior jurisdiction for all cases? Yes / No - **Yes**

61. Are reasons given for all prison sentences? Yes / No - **Yes**

62. Average length, in days, of robbery cases from the formal beginning of the prosecution until the first instance judgment

SCOTLAND

Average length: **not available**

Year:

Source:

63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment

SCOTLAND

Average length: **not available**

Year:

Source:

64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment

SCOTLAND

Average length: **not available**

Year:

Source:

65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment

SCOTLAND

Average length: **not available**

Year:

Source:

66. Average length, in days, of employment dismissal cases from the deposit of the complaint until the first instance judgment

SCOTLAND

Average length: **as at 50**

Year:

Source:

67. Average length, in days, of employment dismissal cases from the deposit of the complaint until the appellate judgment

SCOTLAND

Average length: **as at 50**

Year:

Source:

68. Do you, on a regular basis, measure the size of backlog cases in the courts?

Yes / No - **Yes**

69. Do you have a way of analysing queuing time during court procedures?

SCOTLAND

Yes / No - **No**

If yes, please specify:

VI. Judges

70. Gross annual salary of a first instance professional judge at the beginning of his/her career

SCOTLAND

Annual salary: £150,878 (OUTER HOUSE)
Year: 1 April 2004
Source: REVIEW BODY ON SENIOR SALARIES

71. Gross annual salary of a judge of the Supreme Court or of the highest appellate court

SCOTLAND

Annual salary: £170,554 (INNER HOUSE JUDGE)
Year: 1 April 2004
Source: REVIEW BODY ON SENIOR SALARIES

72. Can judges combine their work with other professions (for example as a university professor, arbitrator, consultant)?

SCOTLAND **No – other remunerated employment is not allowed for salaried full time judges. Yes – part-time fee paid judges can undertake remunerated employment on the days they are not sitting as a judge.**

73. Are judges recruited and nominated by an independent institution?

SCOTLAND

Judges are recruited/nominated by an independent Judicial Appointments Board. The Judicial Appointments Board has an even split of legally qualified and lay members. They make their recommendations to the First Minister and he will normally accept their recommendations.

(if yes), who are represented in this institution:

- the members of the judiciary Yes / No
- officials not part of the judiciary Yes / No
- a mixture of the two categories referred to above Yes / No

Is the process of selection and nomination of judges carried out according to pre-established

procedures? Yes / No

74. Is there a system of induction and continuation training for judges?

SCOTLAND

/ Yes, compulsory

What is the average percentage of judges who have attended a continuation training session each year?

SCOTLAND

Percentage of judges: 50% - events run usually 8 times per year

Year: 2003

Source: Judicial Studies Committee

75. Is there a system of supervision and control on the courts - other than through appeal?

SCOTLAND Control is not usually exercised over the judiciary due to the need to ensure judicial independence. Complaints against their conduct are taken seriously and always investigated. Any findings would be reported to the Lord President.

76. Is there in your country a system of temporary judges?

SCOTLAND

Yes / No

If yes, are these temporary judges paid on the basis of their activity? Yes / No

If yes, please specify: Temporary Judges are normally paid a daily fee for each day that they are called to the bench.

77. Annual number of disciplinary proceedings against judges

SCOTLAND

Number of proceedings:

Year:

Source: No disciplinary proceedings in the last eight years

78. Annual number of sanctions against judges

SCOTLAND

Number of sanctions:

Year:

Source: No disciplinary proceedings in the last eight years

VII. Public prosecutors

79. Annual budget for the public prosecution

SCOTLAND

Annual budget:

Year:

Source:

80. Number of professional public prosecutors (in full time equivalent)

SCOTLAND

Number of prosecutors:

Year:

Source:

81. Gross annual salary of a public prosecutor at the beginning of his/her career

SCOTLAND

Annual salary:

Year:

Source:

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court

SCOTLAND

Annual salary:

Year:

Source:

83. Can public prosecutors combine their work with other professions?

SCOTLAND

Yes / No – **Yes.**

If yes, please specify:

Procurators Fiscal may undertake other forms of remunerative employment only if the prior approval of the Crown Agent has been obtained. No employment may be undertaken which would impair the usefulness of prosecutors as public servants.

84. Are public prosecutors recruited and nominated by an independent institution?

SCOTLAND

Yes / No

(If yes), who are represented in this institution:

- the public prosecutors ? Yes / No

- other stakeholders outside? Yes / No

- a mixture of the two categories referred to above? Yes / No

Is the process of selection and nomination of public prosecutors done according to pre-established procedures? Yes / No

85. Is there a system of induction and continuous training for public prosecutors?

SCOTLAND

No / Yes, but not compulsory / Yes, but compulsory - **Yes, but not compulsory**

What is the average percentage of prosecutors who have participated in continuation training each year?

Percentage of prosecutors:

Year:

Source:

86. Is there a system of supervision and control on public prosecutors?

SCOTLAND

Yes / No - **Yes**

If yes, please specify: **The Crown Office and Procurator Fiscal Service (COPFS) uses the Civil Service Code and other procedures and practices to ensure that Procurators Fiscal are adequately supervised and conduct themselves in an appropriate manner. As well as the Civil Service Code which sets out the ethics and standards of conduct which must be adhered to, there is also a Grievance and Complaints Procedure and an established Disciplinary Procedure which must be followed where the actions of a Procurator Fiscal are alleged to have fallen below the required standard. Finally, so as to continuously evaluate and assess the performance of particular members of staff, there is also a Performance Appraisal System in operation. The Performance Appraisal Reports provide practical aid to the development of the individual as well as providing a source of information to the Personnel Division.**

87. Annual number of disciplinary proceedings against public prosecutors

SCOTLAND

Number of proceedings:

Year:

Source:

88. Annual number of sanctions against public prosecutors

SCOTLAND

Number of sanctions:

Year:

Source:

VIII. Lawyers

89. Number of lawyers practising in your country

SCOTLAND

Number of lawyers:	9120	8926	8768	8609	8492
Year:	2003	2002	2001	2000	1999
Source:	Annual Report of the Law Society of Scotland				

(relevant year)

90. Is there a national bar association?

Yes, there is the Law Society in England and Wales for solicitors, and the Bar of England and Wales for barristers. In Scotland, there is the Law Society of Scotland for solicitors and the Faculty of Advocates for advocates. In Northern Ireland, there is the Law Society of Northern Ireland for solicitors and the General Council of the Bar for barristers.

91. Have quality standards been formulated for lawyers?

Yes / No – Quality standards strictly speaking have only currently been formulated in respect of Civil Legal Aid work. However, professional standards are also set through Codes of Conduct, professional rules and guidelines.

If yes, who is responsible for formulating these quality standards?

- the bar association Yes / No – **Yes, both the Faculty of Advocates and Law Society maintain codes of conduct which include professional standards. The Society also formulates a number of professional rules, breach of which can result in disciplinary action.**

The Society further issues guidelines for the profession in particular areas.

- the legislature Yes / No – **No**

- other Yes / No – **No**

92. Can disciplinary proceedings be instituted against lawyers?

SCOTLAND

Yes / No – Yes, both the Law Society and the Faculty of Advocates have complaints procedures that can result in disciplinary proceedings. Serious cases are referred to the Scottish Solicitors' Discipline Tribunal and the Faculty of

Advocates Disciplinary Tribunal. Only the Scottish Solicitors' Discipline tribunal is empowered to strike a solicitor from the Roll.

93. Annual number of disciplinary proceedings against lawyers

SCOTLAND

Number of proceedings: **(disposed of during 2003) 1,469**

[This figure represents service complaints where the complaint is resolved by conciliation or dispute resolution and includes determinations for the abatement or refund of fees, rectification and compensation. In relation to conduct complaints this includes complaints where findings have been noted on the solicitor's record or referred to the Scottish Solicitors' Discipline Tribunal for prosecution in respect of professional misconduct. In addition, complaints which have been abandoned or have had no action taken are included].

Year: **2003**

Source: **Annual Report of the Law Society of Scotland**

94. Annual number of sanctions against lawyers

SCOTLAND

Number of sanctions: **41 cases referred to the Scottish Solicitors' Discipline Tribunal**

[The question does not indicate what is signified by "sanctions" in this context, I have included only cases referred to the Scottish Solicitors' Discipline Tribunal. This does not indicate what the outcome of the Tribunal hearings were].

Year: **2003**

Source: **Annual Report of the Law Society of Scotland.**

95. Is it possible to complain about the performance of lawyers?

SCOTLAND

Yes / No – Yes, The Law Society and the Faculty of Advocates are required to investigate and report on complaints that practitioners have been guilty of professional misconduct or provided inadequate professional services.

96. What is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case?

SCOTLAND

Scotland does not separately identify such cases. However, the costs of all matrimonial cases are as follows:

Amount: **Average cost per matrimonial case – Euro 2,706**

Year: **2002/03**

Source: **Scottish Legal Aid Board Annual Report**

IX. Mediators and mediation proceedings

97. Number of accredited or registered mediators

SCOTLAND

There is no central registration of mediators. Many mediators are volunteers working with voluntary agencies. There are around 50 accredited lawyer mediators.

98. How much public budget is devoted to mediation?

SCOTLAND

Amount:

Year:

Source:

99. Number of incoming mediation cases (in a year)

SCOTLAND

Figures are not centrally collected.

100. Number of cases solved through mediation (in a year)

SCOTLAND

Figures are not centrally collected.

101. In which areas of law is mediation most practised and successful in your country?

SCOTLAND

Family law. It is also used successfully in neighbour disputes and education cases.

X. Enforcement agents and execution of court decisions

102. Number and types of enforcement agents

SCOTLAND

- in criminal cases:

(Type)	(Number)	(Year)	(Source)
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- in other than criminal cases:

103. Is there an institution to supervise or control the activities of enforcement agents?

SCOTLAND

Yes, the Advisory Council on Messengers-at-Arms and Sheriff Officers.

104. Annual number of disciplinary proceedings against enforcement agents

SCOTLAND

Statistics are not published for complaints against officers of the courts. However, we understand that an average of 12 complaints per year were made in 2001. Few investigations of complaints result in disciplinary proceedings, less than one per year on average.

105. Annual number of sanctioned enforcement agents

SCOTLAND

None.

106. Is it possible to file a complaint against an enforcement agent?

SCOTLAND

Yes / No - **Yes**

If yes, please specify: **The Debtors Scotland Act 1987 makes provision for formal investigation and disposal of complaints of misconduct against enforcement agents. Complaints concerning messengers-at-arms are dealt with by a judge nominated by the Lord President of the Court of Session. Complaints against Sheriff Officers are dealt with by the Sheriff Principal from whom the officer holds**

his commission to act as a sheriff officer. The procedure is set out in the Act of Sederunt (Messengers-at-Arms and Sheriff Officers Rules) 1991.

107. Does the court play a role in the execution of court decisions?

SCOTLAND

No, these are enforced, on the instructions of the person who has the decision in his favour, by the messengers-at-arms or sheriff officers who are independent fee-paid contractors although subject to the oversight of the courts.

108. Are the courts competent to decide against public authorities?

SCOTLAND

Yes / No

Are the courts involved in executing decisions against public authorities?

Yes / No