



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

Country: UK-Scotland

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants (if possible on 1 January 2013)

5 313 600

2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP).

	Amount
State or federal level	NA
Regional / federal entity level (total for all regions / federal entities)	78 519 000 000

3) Per capita GDP (in €)

29 672

4) Average gross annual salary (in €)

30 832

5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

0.8154

A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Q1. Is an estimate as at 30 June 2012 – General Register Office for Scotland

Q2. Source: Government Expenditure and Revenue in Scotland, refers to 2011 figures for total public spending.
<http://www.scotland.gov.uk/Topics/Statistics/Browse/Economy/GERS>

Q3. Source: Scottish National Accounts Project, GDP Per Capita (excluding off-shore), 12 months to Q2 2013
<http://www.scotland.gov.uk/Topics/Statistics/Browse/Economy/QNA2013Q2>

Q4. Source: 2012 Provisional ASHE results from ONS <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-280149>

Q5. BoE daily spot rate for the 31st December 2012 (£1.00 = €1.2263 or €1.00 = £0.8154)
<http://www.bankofengland.co.uk/boeapps/iadb/Rates.asp?TD=31&TM=Dec&TY=2012&into=EUR&rateview=D&POINT.x=11&POINT.y=13>

1. 1. 2. Budgetary data concerning judicial system

6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	135 811 499
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	48 801 835
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	4 292 050
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	8 287 335

4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	32 303 195
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	11 535 804
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	662 202
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	29 929 078

7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:

Budget Summary 2012-13 (£):

Revenue Budget Allocation from Scottish Government: £36404000=44642225 euros

Capital Allocation from Scottish Government £10500000=12876150 euros

TOTAL ASSIGNED BUDGET £46904000=57518375 euros

Income from fees, fines, and other income: £32266000=39567796 euros

TOTAL BUDGET INCLUDING INCOME £79170000= 97086171 euros

The budgets for public prosecution and legal aid are separate from the budget allocated to all courts

8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

for criminal cases?

for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

Fees payable for various civil applications are set in Statutory Instruments, which are updated periodically by Parliament, on the recommendation of Scottish Ministers

Exemptions apply to the payment of civil court fees, where the individual is in receipt of certain means-tested benefits or is in receipt of civil legal aid. Details of exemptions are provided on the Scottish Court Service web site:

<http://www.scotcourts.gov.uk>

8.1) Please briefly present the methodology of calculation of courts fees?

The applicable Scottish Government policy team sets the fee levels with input from SCS Finance. In broad terms, recovery of the process cost is aimed for

8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?

85 euros (As at 31.12.12)

9) Annual income of court taxes or fees received by the State (in €)

26 862 101

12) Annual approved public budget allocated to legal aid, in €. - If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. (Question modified)

If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:

	Amount (in €)
Total annual approved public budget allocated to legal aid (12.1 + 12.2)	179000000
12.1 Annual public budget allocated to legal aid for cases brought to court	NA
12.1.1 in criminal law cases	NA
12.1.2 in other than criminal law cases	NA
12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc)	NA

Comment :

Scottish Government funding for legal aid in Scotland is not cash limited. Therefore, there is no set budget as such. The Scottish Government does allocate an amount to cover the cost of legal aid cases in their budgets based on projected expenditure. This is called the Legal Aid Fund. The Scottish Government also allocate Grant in Aid to the Scottish Legal Aid Board to meet the costs of the administration of the organisation. The budget allocation for Legal Aid is not split between criminal and civil matters. The figure provided above is for 2012-13 and equates to £145.8m.

13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided .

Amount 132 549 350

Comment :

The total COPFS budget comprises £104,500,000 (128,148,350 euros) for running costs and £3,600,000 (4,414,680 euros) for capital.

This budget is used for all criminal prosecutions, investigations of deaths and the investigation of criminal allegations made against the police.

14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	No	No	No	No
Other ministry	No	No	No	No
Parliament	No	Yes	No	Yes
Supreme Court	No	No	No	No
High Judicial Council	No	No	No	No
Courts	No	No	No	No
Inspection body	No	No	No	No
Other	Yes	No	Yes	Yes

14.1) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):

The overall budget for the courts is set by Scottish Ministers as part of their Annual Budget Process and is approved by the Scottish Parliament within the annual Budget Act.

The independent Scottish Court Service Board, makes representations to Scottish Ministers as part of the Budget setting process. Once confirmed by the Scottish Parliament the Scottish Court Service Board allocated funds between individual courts and corporate services. The budget is monitored by the Scottish Court Service Board and, through the Chief Executive as Accountable Officer, by the Scottish Parliament.

The budget for judicial salaries is set and managed separately.

A.2 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available, an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

Please indicate the sources for answering questions 6, 9, 12 and 13.

Q6 & 9 - Scottish Court Service; Q12 - Scottish government - Civil law and legal system:Courts team; Q13 - Crown Office and Procurator Fiscal Service

[1. 1. 3. Budgetary data concerning the whole justice system](#)

15) The following data would be useful for information

15.1) (Former question 10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)

NA

NA

15.2) (Former question 11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.

Court (see question 6)	Yes
Legal aid (see question 12)	Yes
Public prosecution services (see question 13)	No
Prison system	Yes
Probation services	No
Council of the judiciary	Yes
Constitutional court	No
Judicial management body	No
State advocacy	No
Enforcement services	No
Notariat	No
Forensic services	No
Judicial protection of juveniles	No
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	Yes

Comment :

Other includes: community justice services, drugs and community safety, police and fire pensions, criminal injuries compensation, Scottish Tribunals Service, Scottish Resilience, Police - central government, Accountant in Bankruptcy, central government grants to local authorities

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

16) Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes

17) Does legal aid include the coverage of or the exemption from court fees?

- Yes
 No

If yes, please specify:

In civil cases, court fees, such as those for serving or lodging documents are covered by legal aid. However, the actual costs of the court are not.

18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

- Yes
 No

If yes, please specify:

In civil legal aid, the prior approval of the Board is required for any step in the execution of diligence – in Execution of a final or interim decree. A separate application is required to raise an action for sequestration
 Or civil imprisonment.

19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

Criminal cases	Other than criminal cases
Yes	Yes

Comment :

A grant of legal aid covers the fees and outlays of the solicitor and counsel acting for the assisted person. This may include the cost of using expert witnesses, safeguarders, reporters or interpreters/translators where appropriate. In certain circumstances, this will require the solicitor obtaining authorisation from the Board before incurring this expenditure. This will include travel expenses in certain circumstances.

20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please specify in the "comment" box below, when appropriate.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	NA
in criminal cases	NA
other than criminal cases	NA

Comment :

This covers the period April 2012 to March 2013

Criminal cases:

106,432 grants of criminal legal aid & Assistance By Way Of Representation. This figure is made up of:

- 80,028 grants of legal aid in summary cases (including ABWOR)
- 11,229 grants of legal aid in solemn cases
- 1,506 grants of automatic criminal legal aid
- 1,414 grants of legal aid for an appeal
- 12,257 grants of legal aid for Duty Solicitor (inc public defenders)

29,906 grants of criminal advice and assistance

Other than criminal cases:

18,148 grants of Civil Legal Aid – This figure is made up of:

- 13,427 grants of civil legal aid
- 4,721 grants of ABWOR

80,473 grants of civil advice and assistance

Children’s Legal Aid: 5,006 grants of legal aid & 4,782 grants of advice and assistance

Contempt of Court: 1,193 grants of legal aid and 151 grants of advice and assistance and ABWOR.

THESE FIGURES ARE THE TOTAL NUMBER OF GRANTS. IT IS NOT POSSIBLE USING THE BOARD’S SYSTEMS TO ACCURATELY SHOW HOW MANY OF THESE GRANTS RESULTED IN A COURT CASE.
21)

20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Number of cases
NA

Comment :
see previous comment

21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

Please specify in the "comment" box below.

Accused individuals	Yes
Victims	Yes

Comment :
A victim is not a party to the judicial proceedings. However, they may be able to get assistance under advice and assistance, for example, with understanding the court process. The full suite of victim support services are the responsibility of the prosecution service

22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system

- Yes
- No

23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

Please provide in the "comment" box below any information to explain the figures provided.

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NA	NA
for other than criminal cases?	NA	NA

Comment :

Advice and Assistance: A person's income and capital must be within the current financial limits. A person whose disposable capital exceeds the capital limit of £1,716 is not eligible for advice and assistance, whatever their disposable income or eligibility for state benefits. A person whose disposable income exceeds the limit of £245 a week is not eligible for advice and assistance, whatever their level of disposable capital, unless they are in receipt of certain state benefits - for example, income support. Disposable income is the total income an applicant and any partner has, from all sources, after deducting standard allowances. If the applicant's disposable income is between £105 and £245 per week, the applicant has to pay a contribution. It is the solicitor that grants advice and assistance and it is for the solicitor to decide whether they collect the contribution from the applicant.

Criminal Legal Aid: For summary criminal applications, an applicant's income and capital must be within the current financial limits. A person whose disposable capital exceeds the capital limit of £1,716 is not eligible for criminal legal aid. A person whose disposable income exceeds the limit of £222 a week is not eligible for criminal legal aid. However, after considering the financial circumstances of the accused person, the Board must be satisfied that the costs of the case cannot be met without undue hardship to him or his dependants and that in all the circumstances of the case it is in the interests of justice that legal aid should be made available. For solemn legal aid, there is one test. The Board assesses whether, after consideration of the person's financial circumstances that the expenses of the case cannot be met without undue hardship to him or his dependants.

There will be a system of contributions in place from February 2013. . If the applicant has disposable income between £82 and £222 per week, they will have a contribution to pay. They will have a contribution to pay on capital if the excess disposable capital over £750 is less than the average case cost for the type of case.

Civil Legal Aid: To be eligible for civil legal aid, a person must have a disposable income of less than £26,239 a year. If the applicant has disposable income between £3521 and £26,239, they will have a contribution to pay. A person must also have disposable capital of less than £13,017. If the applicant has disposable capital of between £7853 and £13017, they will have a contribution to pay.

24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

- Yes
 No

If yes, please explain the exact criteria for denying legal aid:

Civil Legal Aid

As well as assessing a person's financial means, the Board will also need to be satisfied that (a) it is reasonable to use public funds to support the case and (b) there is a legal basis to take forward the case. In considering whether it is reasonable to use public funds the Board will consider, for example:

- (i) The prospects of the person winning the case;
- (ii) Whether the right court is being used;
- (iii) Whether the person has fully considered other ways of sorting out the problem before seeking court action;
- (iv) Whether the proceedings are frivolous or vexatious.

Children's ABWOR

The Board carries out an 'effective representation' test in ABWOR for certain Children's hearings proceedings. We will only grant ABWOR where we are satisfied that the assistance of a solicitor is required.

Children's Legal Aid

As well as assessing financial means, before we grant legal aid to a child we must be satisfied –

- (a) that it is in the best interests of the child that children's legal aid be made available; and
- (b) that it is reasonable in the particular circumstances of the case that the child should receive children's legal aid; and
- (c) that, after consideration of the disposable income and disposable capital of the child, the expenses of the case cannot be met without undue hardship to the child.

Before we grant legal aid to a relevant person or deemed relevant person for sheriff court proceedings we must be satisfied –

- (a) that it is reasonable in the particular circumstances of the case that the relevant person should receive children's legal aid, and
- (b) that after consideration of the disposable income and disposable capital of the relevant person, the expenses of the case cannot be met without undue hardship to the relevant person.

With regard to grants for Legal Aid to appeal to the Sheriff Principal or Court of Session against any decision of a Sheriff, the Board must be satisfied that there are substantial grounds to either make or respond to the appeal in question and whether the appeal is reasonable. Substantial grounds will include the point of law in question and/or the irregularity in the conduct of the case

25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:

- the court?
- an authority external to the court?
- a mixed authority (court and external bodies)?

26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

- Yes
- No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

People may have rights to indemnity under an insurance policy (legal expenses insurance, home insurance, motor insurance) or membership of a professional association or trade union. Solicitors in Scotland also operate 'no win, no fee' payment arrangements.

The Board is aware that many people who have insurance under house or car insurance policies are not aware that they are covered. We are working with the Scottish Government in trying to ensure that legal aid is used only as a funder of last resort and that insurance is used whenever possible.

27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:

criminal cases?	No
other than criminal cases?	Yes

B.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Q 25: The Board takes decisions in relation to civil, criminal and children's legal aid applications.

Question 27: A grant of Civil Legal Aid covers the fees and outlays of the solicitor and counsel acting for the assisted person. If the court awards expenses against an assisted person, they are personally liable for these. An assisted person found liable in expenses can apply to the court making the award for an order restricting their liability. This will be to an amount the court considers reasonable in all the circumstances of the case, having regard to the means of the parties and their conduct in the dispute. In many cases, the court will assess the assisted person's liability at "nil".

Delivery of savings

The Scottish Government remains committed through its Sustainable Future for Legal Aid Strategy to have a legal aid system that maintains current scope and access to justice at a sustainable level of expenditure.

In the early part of 2011 the Scottish Government and the Board worked together to develop a series of legal aid savings measures designed to reduce legal aid expenditure whilst maintaining access to justice. This was a response to the substantial squeeze on public expenditure following the 2010 Scottish Budget. This package of savings is estimated to have saved in excess of £18 million during 2012-13, up from around £12 million in 2011-12. We have continued to work with the Scottish Government and the Law Society of Scotland on further savings packages. A number of these measures, including client contributions in criminal legal aid are planned to be implemented during 2013-14 and 2014-15.

The Children's Hearings (Scotland) Act

This Act provides for children's legal aid and ABWOR to be made available in connection with children's hearings in prescribed circumstances, and in respect of court proceedings in connection with children's hearings, and provides for the registration and quality assurance of solicitors providing children's legal assistance. Applications for children's legal aid previously considered by the courts will now be considered by our staff and we will also be administering the registration and duty schemes. Over 800 solicitors have registered with us to provide children's legal assistance and around 240 firms are taking part in the duty scheme. The legal aid aspects of the Act were commenced on 24 June 2013 and all the necessary legal aid processes and procedures were in place.

Contributions in criminal legal aid

The Scottish Government introduced draft legislation that will result in some applicants contributing to the cost of their criminal legal aid in a similar way to that of civil legal aid. The legislation will come into force in February 2013.

Contracting in criminal legal aid

The Scottish Government has asked the Board to develop proposals for introducing a contractual relationship with criminal legal aid suppliers. It is expected that the Scottish Government will make an announcement on next steps by the end of 2013.

Grant Funding

The Board is now administering a larger programme of grant funding than in 2011-12. In 2012-13 help was provided by projects under two programmes, funded from a £7m allocation of money across 2012-15. This included £2.2 million of funding from the Money Advice Service and remainder from the Scottish Government. The grant funding programme in 2012-13 involved a six month extension to the Board's economic downturn programme to September 2012 which has supported 23 projects since 2009. This was followed from October 2012 by a new programme of 19 projects which will run until the end of March 2015.

Later in 2012-13 the Board were asked by the Scottish Government and the Money Advice Service to run further grant funding programmes. In March 2013 it was announced that funds totalling a further £7.45 million were to be made available through the Making Advice Work Programme and managed by the Board. This programme, which will run until the end of March 2015 brings together £5.1 million of Scottish Government funding, with a further £2.35 million being allocated by the Money Advice Service as part of its debt advice funding partnership. The 68 new projects funded under this programme started in October 2013 and will support people across Scotland who are affected by welfare reform and debt-related problems.

Making Justice Work Programme

The Scottish Government is delivering a Making Justice Work Programme – this is a range of projects aimed at improving the efficiency of the justice system. We are involved in all projects and lead on some. They include:

- Access to Justice: Trying to resolve problems earlier and outside court; better legal education and information; enabling self help for those who are able; e.g. through mediation on other forms of ADR. SLAB leads this programme.
- Improving case management: Ensuring that witnesses attend court; increased use of video technology in courts, prisons, police stations and tribunals.

Please indicate the sources for answering questions 20 and 23:

20. Scottish Legal Aid Board Annual Report 2012-2013 – available at www.slab.org.uk

23. Legal Aid Keycard – available at www.slab.org.uk

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:

The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:

legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es):	<input checked="" type="checkbox"/> Yes	www.legislation.gov.uk
case-law of the higher court/s? Internet address(es):	<input checked="" type="checkbox"/> Yes	www.scotcourts.gov.uk/search-judgments
other documents (e.g. downloadable forms, online registration)? Internet address(es):	<input checked="" type="checkbox"/> Yes	www.scotcourts.gov.uk/coming-to-court/attending-a-court

Comment :

: Information for users of both criminal and civil courts can be found at <http://www.scotcourts.gov.uk/coming-to-court/attending-a-court>

29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- Yes
 No
 Yes only in some specific situations

If yes only in some specific situations, please specify:

However, in solemn (very serious) criminal cases there are time limits within which the prosecution must start a trial (12 months if the accused is at liberty, 140 days in High Court or 110 in Sheriff Court if the accused is remanded in custody). Only the court can extend these.

A timetable of a case may published by the court in several types of civil action (personal injury, commercial). An example of this can be found here:
http://www.scotcourts.gov.uk/session/rules/forms/form43_6.rtf

30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?

- Yes
 No

If yes, please specify:

Victims of Crime can contact Victim Support Scotland for emotional support, practical help and information.

Victims can also access the victims of crime in Scotland website which has information about support and advice, reporting a crime and the criminal justice system and details of specialised support services for victims of rape and sexual assault, domestic abuse, stalking, families of homicide victims and victims of road deaths.

31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.

[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]

	Information mechanism	Special arrangements in court hearings	Other
Victims of sexual violence/rape	Yes	Yes	Yes
Victims of terrorism	Yes	Yes	No
Children (witnesses or victims)	Yes	Yes	Yes
Victims of domestic violence	Yes	Yes	Yes
Ethnic minorities	Yes	No	Yes
Disabled persons	Yes	Yes	Yes
Juvenile offenders	No	No	No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	Yes	Yes	No

Comment :

COPFS: COPFS has a Victim and Information Service (VIA) who proactively engage with the above categories and also with victims of any solemn (serious) crime, hate crime, any victim or witness over 60 years old and any other vulnerable witness or victim who may need special measures in Court. VIA assess victims for vulnerability and where appropriate and relevant apply to the court for special measures such as supporter, screens, CCTV link to the court and others.

SG-Victims and Witnesses Team: All of these groups are eligible to be considered for special measures to help them give evidence in court under the Vulnerable Witnesses (Scotland) Act 2004. Children (up to age 16, or up to 18 in human trafficking cases) are automatically eligible for a screen or to use a live TV link and have a supporter with them (child accused are eligible to use a live TV link and have a supporter with them). At the discretion of the court, their evidence through a prior statement or via a commissioner. Vulnerable adults (including accused) can be considered for any of these measures if they have a defined mental disorder or if their evidence would be significantly affected by fear or distress.

Other arrangements are as follows:

Victims of rape – automatically entitled to Crown Office & Procurator Fiscal Service (COPFS)' Victim Information and Advice (VIA) service – general information, case-specific information and information about support organisations

Victims of terrorism – would get general information about the justice system, and specifically about their case and be eligible to give their evidence in different ways if deemed vulnerable. May be entitled to COPFS' VIA service. Victims may be eligible for compensation under the provisions of the Criminal Injuries Compensation Scheme.

Child victims/witnesses – automatically entitled to COPFS' VIA service

Victims of domestic violence – automatically entitled to COPFS' VIA service. In areas covered by the Glasgow Domestic Abuse Court, adult and child victims can access support from ASSIST, a specialist support and advocacy service.

Ethnic minorities – automatically entitled to COPFS' VIA service. Provision of translated information and interpreters (by police, COPFS, Scottish Court Service)

Disabled persons – May be entitled to COPFS' VIA service. Help with access to court and any additional support needs e.g. communication

Victims of human trafficking – May be entitled to COPFS' VIA service. Suspected adult victims of human trafficking for the purposes of exploitation, domestic servitude or (for males only) sexual exploitation can access support from Migrant Helpline. Women suspected of being human trafficked for the purposes of commercial sexual exploitation can access support from the Trafficking Raising Awareness Alliance.

Proposed Changes

The Victims and Witnesses (Scotland) Bill (the Bill) was introduced to the Scottish Parliament on 6 February 2013 and is expected to complete its parliamentary passage by the end of the year. The Bill makes a number of changes to improve the way in which vulnerable witnesses are identified and supported when required to give evidence. Some of the Bill's main proposals include giving alleged victims of sexual offences, domestic abuse, human trafficking, and stalking an automatic

entitlement to the standard special measures of a screen, a live TV link and a supporter to assist them give their evidence; ensuring that all witnesses are assessed to determine any potential vulnerability and giving victims an increased right to information about their case. The Bill also amends the definition of child witness to include all those under the age of 18.

31.1) Is it possible for minors to be a party to a judicial proceedings :

- Yes
 No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

32) Does your country allocate compensation for victims of crime?

- Yes
 No

If yes, for which kind of offences

Payments are made to innocent victims of violent crime under provisions of the Criminal Injuries Compensation Scheme, which applies in Scotland, England and Wales and is founded on the Criminal Injuries Compensation Act 1995, an Act of the UK Parliament.

33) If yes, does this compensation consist in:

- a public fund?
 damages to be paid by the responsible person (decided by a court decision)?
 a private fund?

34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

- Yes
 No

If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

- Yes
 No

If yes, please specify:

The prosecutor can request the court to apply special bail conditions for the protection of the victim. The prosecution service can apply for special measures in court to assist the victim giving evidence
 And can give advice and assistance throughout the case

36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?

Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

- Yes
 No
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed).

If necessary, please specify:

The victim can ask for the decision to discontinue to be reviewed. In certain circumstances if the decision to discontinue was wrong proceedings can be raised again

2. 2. 2. Confidence of citizens in their justice system

37) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

In the case of wrongful arrest claims for compensation may be made though these are handled by legal representatives. No data were available on numbers of cases.

38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

Please see the SCS website: <http://www.scotcourts.gov.uk/about-the-scottish-court-service/reports-data> for details of the Survey of Judicial Views of the SCS 2011, Court User Satisfaction Survey 2011 and Staff Survey 2012

A survey aimed at members of the judiciary was run for the first time in 2010-11.

39) If possible, please specify:

	Surveys at a regular interval (for example annual)	Occasional surveys
Surveys at national level	Yes	No
Surveys at court level	No	Yes

40) Is there a national or local procedure for making complaints about the functioning of the judicial system (for example the handling of a case by a judge or the duration of a proceeding)?

- Yes
- No

41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complainant, etc.)	Time limit for dealing with the complaint
Court concerned	No	No
Higher court	No	No
Ministry of Justice	No	No
High Council of the Judiciary	No	No
Other external bodies (e.g. Ombudsman)	No	No

Comment :

The Judicial Office for Scotland will consider any complaint about the personal conduct of judicial office holders, but cannot deal with complaints about judicial decisions or the way in which cases have been handled. The usual way to challenge a decision is to appeal. Information about complaints regarding the judiciary are available on the Judiciary of Scotland website: <http://scotland-judiciary.org.uk/23/0/Judicial-Office-for-Scotland>

Complaints regarding the administrative functions of the courts are dealt with by the Scottish Court Service. The website contains contact details and a complaints procedure: <http://www.scotcourts.gov.uk/footer-pages/bottom-menu-bar/complaints-and-feedback>

41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system

NAP

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	99
42.2 First instance specialised Courts (legal entities)	NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	64

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.

If the situation is not applicable in your country, please indicate NAP.

	Number
Total (must be the same as the data given under question 42.2)	NAP
Commercial courts (excluded insolvency courts)	NAP
Insolvency courts	NAP
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Fight against terrorism, organised crime and corruption	NAP
Internet related disputes	NAP
Administrative courts	NAP
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	NAP

Comment :

There are domestic abuse courts, drug courts etc that are specialist in nature but they sit under the jurisdiction of Sheriff Courts and use specialist procedure and cannot be classed as specialist courts for inclusion as described in question 43..

44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

Yes

No

If yes, please specify:

The SCS ran a public consultation on Future Court Structures ran in 2012, the results of which were published. During The result will be a reduction in court buildings and during the period November 2013- January 2015,

A number of JP and Sheriff Courts will close. Details can be found on the SCS website:

<http://www.scotcourts.gov.uk/about-the-scottish-court-service/scs-news/2013/11/14/shaping-scotlands-court-service>

Civil Courts Reform is in progress. A new group called the Scottish Civil Justice Council has been established.

The group will oversee the implementation of the Scottish Civil Court Review (SCCR) recommendations, including the forthcoming Court Reforms (Scotland) Bill.

45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
a debt collection for small claims	NAP
a dismissal	NAP
a robbery	49

Please give the definition for small claims and indicate the monetary value of a small claim:

In Scotland, a small claim is an action for payment of up to £3000 in value. The courts however do not enforce the decrees or collect the debts. It is the responsibility of the successful party to have the court's order enforced, the court cannot do so on their behalf. The court cannot assist with enforcement procedures. Employment issues like dismissals are dealt with through a dedicated Employment Tribunals system and it should be noted that that legislation to merge the Scottish Court Service and the Scottish Tribunal Service is planned for 2014.

Please indicate the sources for answering questions 42, 43 and 45:

The SCS website is the source: <http://www.scotcourts.gov.uk/>

3. 1. 2. Judges, court staff

46) Number of professional judges sitting in courts (if possible on 31 December 2012)

(please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful comment for interpreting the data above.

[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.]

Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]

	Total	Males	Females	NAP
Total number of professional judges (1 + 2 + 3)	185	145	40	
1. Number of first instance professional judges	168	132	36	
2. Number of second instance (court of appeal) professional judges	17	13	4	
3. Number of supreme court professional judges	NA	NA	NA	

Comment :

Total professional judges = total salaried judges

First Instance judges = 21 Outer House Judges; 1 Chairman of Land Court; 142 Sheriffs; and 4 Stipendiary Magistrates

Appeal Judges = 11 Inner House Judges; and 6 Sheriffs Principal

Inner House and Outer House Judges are Judges in the Court of Session (civil) and the High Court of Justiciary (criminal), which are both the Supreme Courts of Scotland which hear First Instance cases and Appeals.

47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Total	Males	Females	NAP
Total number of court presidents (1 + 2 + 3)	1	1	0	
1. Number of first instance court presidents	NAP	NAP	NAP	
2. Number of second instance (court of appeal) court presidents	NAP	NAP	NAP	
3. Number of supreme court presidents	NAP	NAP	NAP	

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).

Please provide in the "comment" box below any information to explain the answer under question 48.

Gross figure

Yes

95

If possible, in full-time equivalent

NA

Comment :

17 Temporary Judges, 72 part time sheriffs, and 6 part time Stipendiary Magistrates (these figures include re-employed retired judges and sheriffs).

49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):

If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure

Yes

440

Comment :

50) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

If yes, for which type of case(s)?

Criminal 'solemn' cases account for about 5% of all criminal cases in Scotland with trial by jury trial by jury of 15 people.

About 1% of civil cases are heard in the Court of Session in front of a jury of 12

51) Number of citizens who were involved in such juries for the year of reference:

NA

52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2012) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) Yes (among which women) 1 360 (8 50)

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal

NAP

2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars

Yes (among which women) 1 230 (8 00)

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)

Yes (among which women) 13 0 (50)

4. Technical staff

NA

5. Other non-judge staff

NAP

Comment :

Staff counts are whole-time equivalent persons employed (FTE)

53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:

NAP

54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)? Yes No

If yes, please specify:

NOT known

C1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Q46-49 JUDICIAL OFFICE OF SCOTLAND; Q52 SCOTTISH COURT SERVICE

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of prosecutors (1 + 2 + 3)	555	205	350	
1. Number of prosecutors at first instance level	520	183	337	
2. Number of prosecutors at second instance (court of appeal) level	35	22	13	
3. Number of prosecutors at supreme court level	35	22	13	

Comment :

There are a total of 33 Advocate Deputes and two law officers, who are prosecutors at second instance and at supreme court level. The figures under 2. and 3. represent the same group of prosecutors, and this is reflected in the total number of prosecutors to avoid double counting.

56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please provide in the "comment" box below any useful information for interpreting the data.

	Total	Males	Females	NAP
Total number of heads of prosecution offices (1 + 2 + 3)	NA	NA	NA	
1. Number of heads of prosecution offices at first instance level	8	5	3	
2. Number of heads of prosecution offices at second instance (court of appeal) level	NA	NA	NA	
3. Number of heads of prosecution offices at supreme court level	NA	NA	NA	

Comment :

We do not have Heads of Prosecution based at each of our offices. We are functionally rather than geographically organised. Our Federations are led by senior lawyers. They are supported by deputies. As at 31 December 2012 this equated to 8 prosecutors at Senior Civil Service Pay band 2 and 1A.

[Mail from the NC sent on 8 April 2014: The decrease of the number of heads of prosecution offices compared to the previous exercise is due to the fact that since 2010 a significant organizational restructure has been undergone in Scotland: "We no longer have 'Heads of Prosecution Office' in a geographical sense, although we do still have Procurator Fiscal offices in 47 locations. Work is now managed across three geographic 'federations': North, East, West, and one National Federation which deals with Serious Casework. Prosecution work across these federations is led by three SCS Pay Band 2 Procurators Fiscal (North and National Serious Casework Group are overseen by the same person). They are supported by five deputies at Pay Band SCS1 who oversee prosecution work across various locations".]

57) Do other persons have similar duties to public prosecutors?

- Yes
- No
- NA

Number (full-time equivalent)

58) If yes, please specify their title and function:

59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

- Yes
- No

59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

- Yes

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number	<input type="checkbox"/> NA	1155
Among which women	<input type="checkbox"/> NA	838

C2 You can indicate below:

- Any useful comments for interpreting the data mentioned in this chapter
- The characteristics of your judicial system and the main reforms that have been implemented over the last two years

COPFS has restructured to four Federations (North, East, West and National) and has divided the core work into functions (Summary, Sheriff and Jury and High Court). Therefore, there is less emphasis on geographic location or office based working. NOTE FOR Q59.1: ANSWER IS NO - Note: as we are now operating a functional rather than office based system of working, there are not trained prosecutors located at each site. However, our operational instructions state that any person dealing with domestic violence or sexual violence, etc, must be specially trained.

Please indicate the sources for answering questions 55, 56 and 60.

Crown Office and Procurator Fiscal Service

[3. 1. 4. Management of the court budget](#)

61) Who is entrusted with responsibilities related to the budget within the court?

If "other", please specify it in the "comment" box below.

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	Yes	Yes	No	Yes
Court President	No	No	No	No
Court administrative director	No	No	Yes	No
Head of the court clerk office	No	No	Yes	No
Other	No	No	No	No

Comment :

3. 1. 5. Use of Technologies in courts

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

Word processing	100% of courts
Electronic data base of caselaw	100% of courts
Electronic files	100% of courts
E-mail	100% of courts
Internet connection	100% of courts

63) For administration and management, what are the computer facilities used within the courts?

Case registration system	100% of courts
Court management information system	100% of courts
Financial information system	100% of courts
Videoconferencing	100% of courts

64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts ?

Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

Electronic web forms	100% of courts
Website	100% of courts
Follow-up of cases online	100% of courts
Electronic registers	100% of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt recovery	0 % of courts
Electronic submission of claims	0 % of courts
Videoconferencing	100% of courts
Other electronic communication facilities	100% of courts

Comment :

65) The use of videoconferencing in the courts (details on question 63).

Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.

65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses or victims?	Yes
65.2 Can such court hearing be held in the police station and/or in the prison?	No
65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	Yes
65.4 Is videoconferencing used in other than criminal cases?	Yes

Comment :

C3 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

3. 2. Monitoring and evaluation

3. 2. 1. Performance and evaluation

66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

- Yes
 No

If yes, please indicate the name and the address of this institution:

Justice Analytical Services
 Scottish Government
 St Andrews House
 Edinburgh EH1 3DG

Management Information and Analysis Team
 Scottish Court Service
 N1 Saughton House
 Broomhouse Drive
 Edinburgh EH11 3XD

66.1) Does this institution publish statistics on the functioning of each court on the internet:

- Yes
 No, only in an intranet website
 No

67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

- Yes
 No, only in an intranet website

68) Do you have, within the courts, a regular monitoring system of court activities concerning:

The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).

- number of incoming cases?
 number of decisions delivered?
 number of postponed cases?
 length of proceedings (timeframes)?
 other?

If other, please specify:

The Scottish Court Service collects regular management information from all courts.

69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).

- Yes
 No

If yes, please specify:

Scottish Court Service Board has a quarterly 'Scorecard' which covers:

- Judicial satisfaction
- Court User satisfaction
- Disposal of criminal cases in 26 weeks
- Ineffective use of court time
- Court room utilisation
- Waiting Times
- Employee engagement

70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)

- Yes
 No

71) Please select the 4 main performance and quality indicators that have been defined:

- incoming cases
 length of proceedings (timeframes)
 closed cases
 pending cases and backlogs
 productivity of judges and court staff
 percentage of cases that are processed by a single sitting judge
 enforcement of penal decisions
 satisfaction of court staff
 satisfaction of users (regarding the services delivered by the courts)
 judicial quality and organisational quality of the courts
 costs of the judicial procedures
 other:

If other, please specify:

The Scottish Court Service undertakes regular Employee Satisfaction and Court User Satisfaction surveys. Links to the most recent publications are available on the Scottish Court Service web site: <http://www.scotcourts.gov.uk/about-the-scottish-court-service/reports-data>

72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
 No

73) Who is responsible for setting the targets for each judge?

- executive power (for example the Ministry of Justice)?
 legislative power
 judicial power (for example a High Judicial Council, Higher Court)
 President of the court
 other

If other, please specify:

NAP

74) Are there performance targets defined at the level of the court (if no please skip to question 77)?

- Yes
 No

75) Who is responsible for setting the targets for the courts?:

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council, Higher Court)
- President of the court
- other

If other, please specify:

The Scottish Court Service Board and collaborative working with criminal justice partners

76) Please specify the main targets applied to the courts:

Scottish Court Service Board sets out targets in the 'Scorecard'.

77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other

If other, please specify :

The Lord President and the Sheriff Principal are responsible for overseeing the efficient operation of courts. The Scottish Court Service Board are responsible for the day to day monitoring and evaluation of the administrative performance of the Court Service.

78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

- Yes
- No

If yes, please specify:

79) Do you have specialised court staff that is entrusted with these quality standards?

- Yes
- No

80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for ?

- in civil law cases
- in criminal law cases
- in administrative law cases

81) Do you monitor waiting time during court procedures?

- Yes
- No

If yes, please specify:

Criminal summary – the number of weeks between a pleading diet and trial

Civil proofs and debates – the number of weeks until a proof/debates can be offered

82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation

plan (plan of visits) agreed beforehand?

This question does not concern the specific evaluation of performance indicators.

- Yes
 No

Please specify the frequency of the evaluation:

83) Is there a system for monitoring and evaluating the performance of the public prosecution service?

- Yes
 No

If yes, please give further details:

There is an independent inspectorate of prosecution

C.4 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your court monitoring and evaluation systems

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?

NA

85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

- Yes
 No

Number of successful challenges (in a year):

NA

86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	NA	NA	NA	NA
Civil proceedings - Article 6§1 (non-execution)	NA	NA	NA	NA
Criminal proceedings - Article 6§1 (duration)	NA	NA	NA	NA

Please indicate the sources:

SCOTTISH COURT SERVICE

D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter

4. 2. Timeframes of proceedings

4. 2. 1. General information

87) Are there specific procedures for urgent matters as regards:

- civil cases?
 criminal cases?
 administrative cases?
 there is no specific procedure

If yes, please specify:

Civil – interdicts and urgent orders are good examples

Criminal – time limits for custody cases and priority for child witnesses are good examples

88) Are there simplified procedures for:

- civil cases (small disputes)?
 criminal cases (small offences)?
 administrative cases?
 there is no simplified procedure

If yes, please specify:

88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

- Yes
 No

89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- Yes
 No

If yes, please specify:
 FOR CRIMINAL CASES

4. 2. 2. Case flow management and timeframes of judicial proceedings

90) Comment:

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.

91) First instance courts: number of other than criminal and criminal law cases.

Number of other than criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.

Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)*	NA	102427	87249	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	98773	83961	NA
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases**	NA	NA	NA	NA
5. Non litigious business registry cases**	NAP	NAP	NAP	NAP
6. Administrative law cases	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NA	3654	3288	NA

92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:

Figures in table at question 91 relate to Sheriff Court civil business

93) If "other cases", please indicate the case categories included:

Liquidations and sequestrations

94) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal

consistent data means that: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	NA	130820	NA	NA
8. Severe criminal cases	NA	5984	NA	NA
9. Misdemeanour and / or minor criminal cases	NA	124836	NA	NA

95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of deprivation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":

Severe criminal cases are termed SOLEMN (serious assault, fraud, assault and robbery etc)
Misdemeanor/minor cases are termed SUMMARY (theft, assault, road traffic offences etc)

96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)

Figures relate to cases registered during 2012 at Sheriff Court and Justice of the Peace Courts

[Mail from the NC sent on 3 April 2014: Civil registrations decreased. See Civil law publication 2011-12 for further information <http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/civil-judicial-statistics/>]

97) Second instance courts: total number of cases

Number of "other than criminal law" cases.

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	NA	3 400	NA	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	3 400	NA	NA
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NAP	NAP	NAP	NAP
3. Non litigious enforcement cases	NAP	NAP	NAP	NAP
4. Non litigious land registry cases	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

98) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	NA	750	NA	NA
8. Severe criminal cases	NA	750	NA	NA
9. Misdemeanour and/or minor criminal cases	NAP	NAP	NAP	NAP

Comment :

Figures for second instance relate to new cases in the High Court and the Court of Session for 2012

99) Highest instance courts: total number of cases

Number of "other than criminal law" cases:

If data is not available, please indicate NA. If the situation is not applicable in your country, please

indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of other than criminal law cases (1+2+3+4+5+6+7)	NA	232	NA	NA
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	232	NA	NA
2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NAP	NAP	NAP	NAP
3. Non litigious enforcement cases	NA	NA	NA	NA
4. Non litigious land registry cases**	NAP	NAP	NAP	NAP
5. Non litigious business registry cases	NAP	NAP	NAP	NAP
6. Administrative law cases	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?

Yes. If yes, please indicate the number of cases closed by this procedure?

No

Number

100) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 Jan. '12	Incoming cases	Resolved cases	Pending cases on 31 Dec. '12
Total of criminal cases (8+9)	NA	1920	NA	NA
8. Severe criminal cases	NA	720	NA	NA
9. Misdemeanour and/or minor criminal cases	NA	1200	NA	NA

Comment :

99 and 100 are counts of the appeals that go through the Supreme Court

101) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Pending cases on 1 January 2012	Incoming cases	Resolved cases	Pending cases on 31 December 2012
Litigious divorce cases	NA	NA	NA	NA
Employment dismissal cases	NAP	NAP	NAP	NAP
Insolvency	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA

102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.]

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Insolvency	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):

104) How is the length of proceedings calculated for the five case categories? Please give a description of the calculation method.

105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

To impose penalties (alternatives to prosecution) without requiring judicial input. to investigate all sudden, unexplained and suspicious deaths.

106) Does the public prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

The prosecutor has a role in forfeiture and civil recovery of assets presumed to have been acquired from criminal activity

106.1) Does the public prosecutor also have a role in insolvency cases?

- Yes
- No

If yes, please specify:

107) Case proceedings managed by the public prosecutor

Total number of 1st instance criminal cases.

If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	280942	77232	93999	92721

107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?

	Before the court case:	During the court case:
If possible, please distinguish the number of guilty plea procedure:	85147	NA

108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	77 232
1. Discontinued by the public prosecutor because the offender could not be identified	NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	21 960
3. Discontinued by the public prosecutor for reasons of opportunity	55 272

109) Do the figures include traffic offence cases?

Yes

No

D.2 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your system concerning timeframes of proceedings and the main reforms that
have been implemented over the last two years**

Data for Q107 to Q109 relates to financial year 2012-13.

Q107: Total disposals will not equal total criminal cases received as some cases against the same accused will be linked and taken forward as one case. There is also a time lag between receipt of a case and final disposal so that some cases received in 2012-2013 will not result in a disposal that year, and some of the disposals in 2012-13 will relate to cases reported in earlier years.

Q107.1 The figure given is for the number of cases disposed of by plea before trial, or at trial but before any evidence was led. Figures are not available for cases disposed of by plea after some or all evidence was led.

Q108: In (1), cases where offender is not identified are not received by prosecutor. Figure for (2) includes cases where there is insufficient admissible evidence, cases which are time barred, cases which are not a crime and cases where the prosecutor has no jurisdiction. Figure for (3) includes all other reasons for discontinuing a case

[Q91 to Q102 : Mail from the NC sent on 3 April 2014 : The case management system is not structured in a way that allows these figures to be retrieved hence the NA for 'Not Available'. The case management system is designed for operational needs not statistical reporting.]

[Q108 : Mail from the NC sent on 8 April 2014: The number of discontinued cases by the public prosecutor for reasons of opportunity has increased. "This is partly because of an increase in the number of cases being reported. In addition there were a high number of cases No Further Actioned in 2012-13 (where we initially took action but discontinued the case at a later date). Some of this is due to "housekeeping " work on the data, checking and closing old cases".]

Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.

Q91-102 - SCOTTISH COURT SERVICE; Q107-108 CROWN OFFICE AND PROCURATOR FISCAL SERVICE

5. Career of judges and public prosecutors

5. 1. Recruitment and promotion

5. 1. 1. Recruitment and promotion

110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If "other", please specify:

110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", please specify:

111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

Judicial appointments Board for Scotland – the board has been in existence since 2002. Its role is to recommend to the Scottish Ministers individuals for appointment to judicial offices.
Scottish Ministers and the First Minister – make recommendations

112) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, which authority is competent for the promotion of judges ?

Senators who move from the Outer House to the Inner House are designated by the Lord President (head of Scottish judiciary). All other elevations are in fact new appointments and dealt with by the Judicial Appointments Board as a normal recruitment exercise. They deal with all diversity and equality matters pertinent to recruitment

112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
- No

If "yes", please specify:

113) Which procedures and criteria are used for promoting judges? Please specify.

Generally speaking there is no system of promotion. We do not have a career judiciary. If a judicial office holder seeks more senior office they apply in the appropriate competition (this includes appointment as Lord President and Lord Justice Clerk).

The exception is the appointment of Senators to the Inner House from among the Outer House judges. The appointment is made by the LP and LJC with the consent of Scottish Ministers. Since his appointment the LP has abandoned the reliance on seniority and introduced a system requiring a form of application and appointment on merit. As it happens this has seen a significant increase in the number of women in the Inner House.

114) Is there a system of qualitative individual assessment of the judges' activity?

- Yes
 No

If yes, please indicate the frequency

115) Is the status of prosecution services:

- Independent?
 Under the authority of the Minister of justice ?
 Other?

Please specify:

116) How are public prosecutors recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
 Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
 A combination of both (competitive exam and working experience)
 Other

If "other", please specify:

Fair and open recruitment exercise for legally trained and qualified persons

117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:

[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]

- An authority composed of public prosecutors only?
 An authority composed of non-public prosecutors only?
 An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

Crown Office And Procurator Fiscal Service

117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- Yes
 No

If "yes", please specify:

118) Is the same authority formally responsible for the promotion of public prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting public prosecutors:

119) Which procedures and criteria are used for promoting public prosecutors? Please specify:

Interview procedure and performance appraisal reports

119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

- Yes
- No

If "yes", please specify:

120) Is there a system of qualitative individual assessment of the public prosecutors' activity?

- Yes
- No

121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below

Yes. If yes, please indicate the compulsory retirement age	YES
No	

Comment :

Judiciary may only be removed from office after a fitness for office tribunal commissioned by the First Minister (leader of the Scottish Government).

Fee paid judiciary are appointed for 5 years, normally renewed at the end of each commission period. However this renewal is subject to review and commissions will not be renewed if certain criteria are not met

121.1) Can a judge be transferred to another court without his consent:

- For disciplinary reasons
- For organisational reasons
- For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	
No	
NAP	NAP

123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:

Yes. If yes, please indicate the compulsory retirement age	YES
No	

Comment :

There is no compulsory retirement age. Our public prosecutors must meet conditions related to their satisfactory performance, conduct and attendance. These are monitored on at least an annual basis. From time to time we employ public prosecutors on a short-term fixed-term basis. The Head of the Prosecution Service can decide (depending upon the terms of the contract) whether these appointments can be made permanent.

124) Is there a probation period for public prosecutors? If yes, how long is this period? If the situation is not applicable in your country, please indicate NAP.

	Duration of the probation period (in years)
Yes	9 MONTHS
No	
NAP	

125) If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?

NAP

126) If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?

NA

E.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and public prosecutors and the main reforms that have been implemented over the last two years

5. 2. Training

5. 2. 1. Training

127) Training of judges

Initial training (e.g. attend a judicial school, traineeship in the court)	Compulsory
General in-service training	Compulsory
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Compulsory
In-service training for management functions of the court (e.g. court president)	Compulsory
In-service training for the use of computer facilities in courts	Compulsory

128) Frequency of the in-service training of judges:

General in-service training	Annual / Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Annual / Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. court president)	Annual / Regular (e.g. every 3 months)

In-service training for the use of computer facilities in courts	Annual / Regular (e.g. every 3 months)
--	--

129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Compulsory
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Compulsory
In-service training for the use of computer facilities in office	Compulsory

130) Frequency of the in-service training of public prosecutors

General in-service training	Annual / Regular (e.g. every 3 months)
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Occasional (e.g. at times)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Occasional (e.g. at times)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate the budget of such institution(s) in the "comment" box below.

If your judicial training institutions do not correspond to these criteria, please specify it:

	Initial training only	Continuous training only	Initial and continuous training	2012 budget of the institution, in €
One institution for judges	No	No	Yes	Yes
One institution for prosecutors	No	No	No	NAP
One single institution for both judges and prosecutors	No	No	No	No

Comment :

RE ABOVE:ONE INSTITUTION FOR JUDGES 2012 BUDGET IS 637676 EUROS

Above is the overall budget for the judicial training institution for judges. The training budget itself was 490520 Euros

131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?

Public prosecutors are mainly trained in-house within COPFS. Technical legal trainers are employed to provide such training as required. Additionally, external training and qualifications will be funded where there is a business case to do so.

E.2 You can indicate below:

any useful comments for interpreting the data mentioned in this chapter

comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court

the characteristics of your training system for judges and public prosecutors and the main reforms that have been implemented over the last two years

The Lord President delegates responsibility for judicial training to the Judicial Institute, of which he is President. The Judicial Studies Committee (changed names and structure on 1 January 2013 to become Judicial Institute) is part of the Judicial Office for Scotland within the Scottish Court Service and provides training to all judiciary. The Judicial Studies Committee plays an active role in the European Judicial Training Network (EJTN) and has formed a judicial training partnership with the National Judicial Institute based in Ottawa, Canada. These associations enable the Scottish Judiciary to have access to extensive resources, and training exchanges on an international level.

5. 3. Practice of the profession

5. 3. 1. Practice of the profession

132) Salaries of judges and public prosecutors.

	Gross annual salary, in €, on 31 December 2012	Net annual salary, in €, on 31 December 2012
First instance professional judge at the beginning of his/her career	157312	NA
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	241196	NA
Public prosecutor at the beginning of his/her career	37041,61	27105,71
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	NA	NA

Comment :

Salaries of all judges in Scotland (in Euros using exchange rate indicated in Q5):

Lord President 262,603
 Lord Justice Clerk 253,642
 Inner House Judge 241,197
 Outer House Judge 211,825
 Sheriff Principal 169,884
 Sheriff 157,312
 Stipendiary Magistrate 86,521

133) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	No
Housing	No	No
Other financial benefit	No	No

134) If other financial benefit, please specify:**135) Can judges combine their work with any of the following other functions ?**

	With remuneration	Without remuneration
Teaching	No	No
Research and publication	Yes	Yes
Arbitrator	No	Yes
Consultant	No	No
Cultural function	No	No
Political function	No	No
Other function	No	No

136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.**137) Can public prosecutors combine their work with any of the following other functions ?**

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	No	No

Political function	No	No
Other function	No	No

138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:

[Mail from the NC sent on 8 April 2014: « Our staff handbook has been reviewed since 2010 and we have clarified the type of secondary work that prosecutors may undertake".]

139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?

- Yes
 No

If yes, please specify the conditions and possibly the amounts:

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who has been authorised to initiate disciplinary proceedings against judges (multiple options possible)?

- Citizens
 Relevant Court or hierarchical superior
 High Court / Supreme Court
 High Judicial Council
 Disciplinary court or body
 Ombudsman
 Parliament
 Executive power
 Other
 This is not possible

If "executive power" and/or "other", please specify:

Judiciary may only be removed from office after a fitness for office tribunal commissioned by the First Minister (leader of the Scottish Government). This may be at his own initiation or at the request of or the Lord President (Head of Scottish Judiciary).

141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
 Head of the organisational unit or hierarchical superior public prosecutor
 Prosecutor General /State public prosecutor
 Public prosecutorial Council (and Judicial Council)
 Disciplinary court or body
 Ombudsman
 Professional body
 Executive power
 Other
 This is not possible

If "executive power" and/or "other", please specify:

142) Which authority has disciplinary power on judges? (multiple options possible):

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other

If "executive power" and/or "other", please specify:

Disciplinary powers are set out in primary legislation Judiciary and Courts (Scotland) Act 2008. This Act provides that the Lord President may exercise disciplinary powers after a complaint investigation recommends use of such a power. Separately, judiciary may only be removed from office after a fitness for office tribunal commissioned by the First Minister.

143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other

If "executive power" and/or "other", please specify:

144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Judges	Public prosecutors
Total number (1+2+3+4)	0	2
1. Breach of professional ethics	0	0
2. Professional inadequacy	0	1
3. Criminal offence	0	0
4. Other	0	1

Comment :
Other = misconduct

145) Number of sanctions pronounced in 2012 against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number (total 1 to 9)	NA	2
1. Reprimand		2

2. Suspension		0
3. Removal of cases		0
4. Fine		0
5. Temporary reduction of salary		0
6. Position downgrade		0
7. Transfer to another geographical (court) location		0
8. Resignation		0
9. Other		0

Comment :

There were two disciplinary cases involving public prosecutors in 2012, both involving reprimands. One of these public prosecutors was also relocated and their case load removed.

E.3 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and public prosecutors and the main reforms that have been implemented over the last two years

Please indicate the sources for answering questions 144 and 145

Crown Office and Procurator Fiscal Service

6. Lawyers

6. 1. Status of the profession and training

6. 1. 1. Status of the profession and training

146) Total number of lawyers practising in your country.

11131

147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

- Yes
 No

148) Number of legal advisors who cannot represent their clients in court:

NA

149) Do lawyers have a monopoly on legal representation in (multiple options are possible):

- Civil cases?
 Criminal cases - Defendant?
 Criminal cases - Victim?
 Administrative cases?
 There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

Only advocates and solicitor-advocates can conduct cases in the Court of Session (civil) and in the High Court (criminal). In the Sheriff Court, representation of third parties is generally restricted to solicitors and advocates.

Under section 32 of the Solicitors (Scotland) Act 1980, it is an offence for unqualified persons to prepare writs relating to court proceedings. However, sections 25-29 of the 1990 Act provide for professional or other bodies to apply to Scottish Ministers and the Lord President of the Court of Session for approval of a draft scheme which would enable their members to acquire rights of audience and rights to conduct litigation in Scottish courts. Sections 126 and 127 of the Legal Services (Scotland) Act 2010 amend the Court of Session's rulemaking powers so as to enable rules to be made permitting a lay representative to make oral submissions to the court on behalf of a party to the cause in any proceedings in the civil courts.

Lay representatives are permitted to conduct litigation, including appearing, in summary causes and small claims in the Sheriff Court; and in addition, section 7 of the Home Owner and Debtor Protection (Scotland) Act 2010 makes provision for approved lay representatives to represent debtors in repossession cases in the Sheriff Court.

Otherwise, lay representation is limited to the various tribunals that consider matters relating to employment, mental health, land disputes, etc

150) Is the lawyer profession organised through? (multiple options possible)

- a national bar?
 a regional bar?
 a local bar?

151) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
 No

If not, please indicate if there are other specific requirements as regards diplomas or

university degrees :

The first step of the route to qualification can be achieved by one of two ways: either by completing a Bachelor of Laws undergraduate degree or by sitting a series of Law Society examinations. Thereafter individuals must obtain a post-graduate diploma in Professional Legal Practice and carry out two years of post-diploma practical training.

152) Is there a mandatory general system for lawyers requiring in-service professional training?

Yes

No

153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

If yes, please specify:

Solicitor Advocates

Solicitors were first given the right to apply to appear in the highest courts in Scotland in 1992 following a change in the law in 1990. They have equal rights to advocates in the court in which they have the right to appear.

To become a solicitor advocate, a solicitor must demonstrate competence in pleading in court, must have relevant experience and must pass an exam. As part of the route to qualification they must attend a practical training course, at the end of which their competence is assessed by external assessors, chaired by a Judge, to ensure they have attained high standards of expertise and professionalism.

The Law Society of Scotland's specialist accreditation scheme

A suitably qualified Accreditation Panel confers specialist status on solicitors who can demonstrate expertise gained from practising in the specialism and can show significant experience in that specialism. The Panel is made up of solicitor members experienced in this area of the law who are drawn from a range of government, public sector and other relevant organisations.

An applicant should have held an unrestricted Practising Certificate for seven years and should be able to demonstrate significant experience in the specialism during each of the five years preceding the application.

Please indicate the sources for answering questions 146 and 148:

The Law Society of Scotland,

F1 Comments for interpreting the data mentioned in this chapter:

6. 2. Practising the profession

6. 2. 1. Practising the profession

154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?

Yes

No

155) Are lawyers' fees freely negotiated?

Yes

No

156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

- Yes laws provide rules
- Yes standards of the bar association provide rules
- No, neither laws nor bar association standards provide rules

F2 Useful comments for interpreting the data mentioned in this chapter:

In relation to fees, the Law Society of Scotland Practice Rules 2011 provide the following:

- fees must be fair and reasonable and where work is to be charged at an hourly rate, the solicitor must inform the client what that hourly rate will be and of any change to the hourly rate.

When tendering for business or at the earliest practical opportunity upon receiving instructions to undertake any work on behalf of a client, the solicitor must provide an estimate of the total fee to be charged for the work, including VAT and outlays which may be incurred in the course of the work; or the basis upon which a fee will be charged for the work, including VAT and outlays which may be incurred in the course of the work.

6. 3. Quality standards and disciplinary proceedings

6. 3. 1. Quality standards and disciplinary proceedings

157) Have quality standards been determined for lawyers?

- Yes
- No

If yes, what are the quality criteria used?

The Law Society of Scotland Practice Rules 2011 and related guidance contain a number of quality assurance requirements.

158) If yes, who is responsible for formulating these quality standards:

- the bar association?
- the Parliament?
- other?

If "other", please specify:

159) Is it possible to file a complaint about :

- the performance of lawyers?
- the amount of fees?

Please specify:

Complaints about either the service received from a Scottish solicitor or the conduct of a Scottish solicitor can be investigated. Complaints about fees will not be investigated. The only course of action if a client is unhappy with fees charged is to have the solicitor's account independently scrutinised. This is called the 'taxation' of the account and is carried out by the auditor of court.

160) Which authority is responsible for disciplinary procedures?

- the judge
- the Ministry of justice
- a professional authority
- other

If other, please specify:

The Scottish Legal Complaints Commission (SLCC) is a neutral body and operates independently of the legal profession. It has a legal status but is not a servant or agent of the Crown nor does it have any status, immunity or privilege of the Crown. It is also independent of Government. The SLCC receives all complaints about Scottish solicitors in the first instance but it only investigates complaints relating to the service provided by a solicitor.

Complaints relating to the conduct of a solicitor are referred to the Law Society of Scotland for investigation. The Society can then decide to prosecute more serious cases before the Scottish Solicitors Discipline Tribunal. The Tribunal is an independent body that normally sits with 2 solicitor members and 2 lay members. The most severe sanction available to the Tribunal is to strike an individual off the Roll of Solicitors, which effectively removes the individual's right to practise as a solicitor in Scotland.

161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

	Number
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	NA
1. Breach of professional ethics	NA
2. Professional inadequacy	NA
3. Criminal offence	NA
4. Other	NA

Comment :

The Scottish Legal Complaints Commission (SLCC) investigates complaints about the service given by solicitors. It also acts as the gateway for all complaints. Between 1 November 2011 and 30 October 2012, the SLCC received 1264 complaints. Of those, 614 were ineligible for investigation or withdrawn before an eligibility decision was made. 144 were referred to the Law Society of Scotland and 289 were dealt with and closed by the SLCC. 44 complaints were wholly or partially upheld at determination. 92 were not upheld. Others were resolved by mediation or during the investigation process.

In 33 of the cases either fully or partially upheld by a Determination committee compensation was awarded. This totalled £37042 or an average of £1122 per case where compensation was awarded. In a further 17 cases fees totalling £3851 were abated.

The Law Society of Scotland investigates complaints against solicitors about conduct issues. For more serious cases, the Society has the power to prosecute the solicitor before the Scottish Solicitors' Discipline Tribunal. This is an independent tribunal.

The Society received 364 complaints between 1 November 2011 and 31 October 2012 and issued a total of 183 decisions, divided up as follows:

Cases dismissed 105

Misconduct: solicitor referred to fiscal for prosecution before the tribunal 61

Unsatisfactory conduct: censure 11

Unsatisfactory conduct: censure and compensation 3

Unsatisfactory conduct: censure and fine 2

Unsatisfactory conduct: censure and training order 1

Total decisions 183

The Scottish Solicitors Discipline Tribunal heard 26 cases between 1 November 2011 and 31 October 2012. They made 12 findings of professional misconduct. The principle grounds on which misconduct was established were:

Failure to reply to Law Society and/or clients. 5

Conflict of interest 1

Failure to deal with trust/executry in a proper manner. 1

Failure to deal with court proceedings and prosecuting claims in a proper manner 3

Failure to complete conveyancing procedures in a proper manner 4

Excessive delay 3

Failure to implement mandates 2

Misleading the Law Society and/or other parties 2

Failure to comply with the accounts rules 3

Failure to comply with other professional obligations 5
 Other conduct unbecoming a solicitor 0
 Dishonesty 0
 Money Laundering 3

162) Sanctions pronounced against lawyers.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.

	Number
Total number of sanctions (1 + 2 + 3 + 4 + 5)	12
1.Reprimand	2
2. Suspension	0
3. Removal	0
4. Fine	4
5. Other (e.g. disbarment)	6

Comment :

F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

The information provided in response to questions 161 and 162 is taken from the SLCC's Annual Report 2011/12, the Law Society of Scotland's Annual Report 2012 and the Scottish Solicitors Discipline Tribunal Annual Report 2011/12.

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation and other forms of ADR

163) Does the judicial system provide for judicial mediation procedures? If no skip to question 168

Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).

- Yes
- No

163.1) In some fields, does the judicial system provide for mandatory mediation procedures?

If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.

- Before going to court
- Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

164) Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	No	No	No	No	No
Family law cases (ex. divorce)	No	No	No	No	No
Administrative cases	No	No	No	No	No
Employment dismissals	No	No	No	No	No
Criminal cases	No	No	No	No	No

165) Is there a possibility to receive legal aid for judicial mediation procedures?

- Yes
- No

If yes, please specify:

166) Number of accredited or registered mediators who practice judicial mediation:

NAP

167) Number of judicial mediation procedures.

Please indicate the source in the "comment" box below:

- Total number of cases (total 1+2+3+4+5) NAP
- 1. civil cases NAP
- 2. family cases NAP
- 3. administrative cases NAP
- 4. employment dismissals cases NAP
- 5. criminal cases NAP

Comment :

168) Does the legal system provide for the following ADR :

If "other", please specify it in the "comment" box below:

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	Yes
Other alternative dispute resolution?	Yes

Comment :

Expert determination, neutral evaluation, ombudsman and regulators

[Moved from Q165C - mail from NC 3/4/2014 : Mediation is covered by the legal aid scheme but it can only be funded when a solicitor is involved and is done so as an outlay on the solicitor's account.

Legal aid for family mediation

Legal aid may be made available for mediation supplied by Relationship Scotland affiliated mediators(RS) and from accredited solicitors who are members of Comprehensive Accredited Lawyer Mediators (CALM).

Voluntary mediation - Where solicitors wish to make use of mediation involving CALM or RS where a fee is charged, they must get the Board's approval before incurring the outlay. Legal aid will cover the client's half share of the total mediation fee, but not any charges for the opponent's half share, unless the opponent is also receiving publicly funded legal assistance.

Compulsory mediation - Where the court makes a remit for mediation and the client is an assisted person, the legal aid fund will bear the client's half share of the mediation expenses as a consequence of that remit, and the solicitor does not need prior approval. However, where the assisted person is considering asking the court to make a remit for mediation, the solicitor needs to apply to the Board for prior approval as unusual work.

Legal aid for non-family mediation

There is no restriction on the type of case which can be considered suitable for mediation. If a solicitor wishes to make use of mediation facilities, they must get the Board's approval before incurring the outlay.

The Board will normally only consider requests for mediation involving mediators accredited by the Association of Mediators, the Centre for Dispute Resolution (CEDR), Core Solutions Group, Core Mediation or the Law Society of Scotland under its Accord scheme, although we may also agree to the use of other accredited specialists.

Grant funded mediation

The Board also provides funding, through its grant-funding programme, for the Edinburgh Sheriff Court Mediation service which is managed by Citizens Advice Edinburgh. This service was established in 1995 and was funded by Scottish Government until funding was transferred to the Board in 2009.]

G.1 You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

Please indicate the source for answering question 166:

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

169) Do you have enforcement agents in your judicial system?

- Yes
 No

170) Number of enforcement agents

172

171) Are enforcement agents (multiple options are possible):

- judges?
 bailiffs practising as private professionals under the authority (control) of public authorities?
 bailiff working in a public institution?
 other enforcement agents?

Please specify their status and powers:

Officers of Court hold a commission in terms of their enforcement duties but may also carry out private work.

172) Is there a specific initial training or examination to become an enforcement agent?

- Yes
 No

173) Is the profession of enforcement agents organised by?

- a national body?
 a regional body?
 a local body?
 NAP (the profession is not organised)

174) Are enforcement fees easily established and transparent for the court users?

- Yes
 No

175) Are enforcement fees freely negotiated?

- Yes
 No

176) Do laws provide any rules on enforcement fees (including those freely negotiated)?

- Yes
 No

Please indicate the source for answering question 170:

Jayne Milligan, Scottish Government, Civil Law and Legal System, St. Andrews House, Regent Road, Edinburgh, EH1 3DG

8. 1. 2. Efficiency of enforcement services

177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

- Yes
 No

178) Which authority is responsible for supervising and monitoring enforcement agents?

- a professional body
 the judge
 the Ministry of justice
 the public prosecutor
 other

If other, please specify:

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, what are the quality criteria used?

180) If yes, who is responsible for establishing these quality standards?

- a professional body
 the judge
 the Ministry of Justice
 other

If "other", please specify:

181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?

- Yes
 No

if yes, please specify

182) Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

- Yes
 No

If yes, please specify

183) What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

- no execution at all

- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other

If "other", please specify:

Complaints are seldom received in the above categories

184) Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
- No

If yes, please specify:

185) Is there a system measuring the length of enforcement procedures:

- for civil cases?
- for administrative cases?

186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more

If more, please specify

**187) Number of disciplinary proceedings initiated against enforcement agents.
If other, please specify it in the "comment" box below.**

[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]

Total number of initiated disciplinary proceedings (1+2+3+4)	NA
1. for breach of professional ethics	NA
2. for professional inadequacy	NA
3. for criminal offence	NA
4. Other	NA

Comment :

188) Number of sanctions pronounced against enforcement agents.

If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings initiated and the number of sanctions exists, please indicate the reasons in the "comment" box below.

Total number of sanctions (1+2+3+4+5)	NA
1. Reprimand	NA
2. Suspension	NA

- | | |
|--------------|----|
| 3. Dismissal | NA |
| 4. Fine | NA |
| 5. Other | NA |

Comment :

H.1 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your enforcement system of decisions in civil matters and the
main reforms that have been implemented over the last two years**

Please indicate the sources for answering questions 186, 187 and 188:

Jayne Milligan, Scottish Government, Civil Law and Legal System, St. Andrews House, Regent Road, Edinburgh, EH1 3DG

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

In Scotland Local Authority Criminal Justice Social Work Departments are tasked with managing those offenders who are given a community sentence by the Court. They have a statutory duty to supervise and care for those on community sentences by virtue of section 27 of the Social Work (Scotland) Act 1968; they must also put in place arrangements to provide a scheme to support community sentences e.g. make unpaid work and related programmes available so that the court order can be serviced.

190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

191) If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%
- cannot be estimated

Please indicate the source for answering this question:

Scottish Court Service quarterly fines report.
http://www.scotcourts.gov.uk/courtsadmin/fineStats/QFR10_2011/Quarterly%20Fines%20Publication%20-%20Q1%20201112%20-%20Final.doc
 Please note the recovery rate of over 80% can take up to 3 years to achieve from the time the fine is imposed.

H.2 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your enforcement system of decisions in criminal matters and the main reforms
that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

192) Do you have notaries in your country? If no please skip to question 197.

- Yes
 No

193) Are notaries:

If other, please specify it in the "comment" box below.

- private professionals (without control from public authorities)? number
- private professionals under the authority (control) of public authorities? number
- public agents? number
- other? number 8 000

Comment :

they are practising solicitors who are members of the Law Society of Scotland and who have been admitted as a notary as well as a Scottish solicitor. There are approximately 8000.

194) Do notaries have duties (multiple options possible):

- within the framework of civil procedure?
 in the field of legal advice?
 to certify the authenticity of legal deeds and certificates?
 other?

If "other", please specify:

9. 1. 2. Supervision

195) Is there an authority entrusted with supervising and monitoring the notaries' activity?

- Yes
 No

196) Which authority is responsible for supervising and monitoring notaries:

- a professional body?
 the judge?
 the Ministry of justice?
 the public prosecutor?
 other?

If other, please specify:

I.1 You can indicate below:

**any useful comments for interpreting the data mentioned in this chapter
the characteristics of your system of notaries and the main reforms that have been implemented over
the last two years**

Please indicate the sources for answering question 193:

Law Society of Scotland

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Functioning

197) Is the title of court interpreters protected?

- Yes
 No

198) Is the function of court interpreters regulated by legal norms?

- Yes
 No

199) Number of accredited or registered court interpreters:

NA

200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

- Yes
 No

If yes, please specify (e.g. having passed a specific exam):

201) Are the courts responsible for selecting court interpreters?

If no, please indicate in the "comment" box below which authority selects court interpreters.

- Yes for recruitment and/or appointment for a specific term of office
Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
No .

Comment :

The SCS use two ranked providers on a SG collaborative framework when there is an interpreting requirement. Court interpreters are not recruited by the SCS.

J.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

Please indicate the sources for answering question 199:

Scottish Court Service

11. Judicial experts

11. 1. Judicial experts

11. 1. 1. Judicial experts

202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

NA

203) Is the title of judicial experts protected?

- Yes
 No

204) Is the function of judicial experts regulated by legal norms?

- Yes
 No

205) Number of accredited or registered judicial experts (technical experts)

NA

206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

- Yes
 No

If yes, please specify, in particular the given time to provide a technical report to the judge:

207) Are the courts responsible for selecting judicial experts?

If no, please specify in the "comments" box below which authority selects judicial experts?

- Yes for recruitment and/or appointment for a specific term of office
 Yes for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
 No .

Comment :

[Mail from the NC sent on 3 April 2014: The term judicial experts is not used in Scotland and we are unsure of its meaning in the frame of the questionnaire. If you mean 'expert witnesses' then further explanation is available via this link: <http://www.expertwitnessscotland.info/>]

You can indicate below any useful comments for interpreting the data mentioned in this chapter:

The Scottish Govt is currently developing extensive reforms to criminal, civil and administrative justice. Many are taking place under a four year change programme entitled Making Justice Work. For further information please see <http://www.scotland.gov.uk/Topics/Justice/legal/mjw>

Please indicate the sources for answering question 205:

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Foreseen reforms

208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. If possible, please observe the following categories:

- 1. (Comprehensive) reform plans**
- 2. Budget**
- 3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**
 - 3.1 Access to justice and legal aid**
- 4. High Judicial Council**
- 5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**
- 6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**
 - 6.1 Personal status**
- 7. Enforcement of court decisions**
- 8. Mediation and other ADR**
- 9. Fight against crim**

The Scottish Govt is currently developing extensive reforms to criminal, civil and administrative justice. Many are taking place under a four year change programme entitled Making Justice Work. For further information please see <http://www.scotland.gov.uk/Topics/Justice/legal/mjw>