



Reference data 2018 (01/01/2018 - 31/12/2018)

Start/end date of the data collection campaign : 01/03/2019 - 01/10/2019

Objective :

The CEPEJ decided, at its 31th plenary meeting, to launch the eighth evaluation cycle 2018 – 2020, focused on 2018 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General and financial information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[5 438 100]

Comments Source - NRS, Mid-year population estimates, Scotland 2018 - <https://www.nrscotland.gov.uk/files//statistics/population-estimates/mid-18/mid-year-pop-est-18-pub.pdf>

002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State or federal level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	72 059 331 700 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments £64,633 million - GERS:

<https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2018/08/government-expenditure-revenue-scotland-2017-18/documents/00539514-pdf/00539514-pdf/govscot%3Adocument/00539514.pdf>

003. Per capita GDP (in €) in current prices for the reference year

[33 420]

Comments £29,976 - onshore GDP.

004. Average gross annual salary (in €) for the reference year

[38 511]

NA

Comments ASHE- Annual pay, gross, full-time, resident based, mean. £34542

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[0.89697]

Allow decimals : 5

NAP

Comments £1 = €1.1149; Daily spot exchange rates against Sterling (31/12/2018). Bank of England website.

A1. Please indicate the sources for answering questions 1 to 5

Sources: Provided in under the 'comments' section.

1.1.2. Budgetary data concerning judicial system



006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to the question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	145 594 000 [] NA [] NAP	145 052 000 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	64 001 000 [] NA [] NAP	64 222 000 [] NA [] NAP
2. Annual public budget allocated to computerisation	10 622 000 [] NA [] NAP	10 584 000 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	22 804 000 [] NA [] NAP	23 257 000 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	32 914 000 [] NA [] NAP	33 501 000 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	14 940 000 [] NA [] NAP	13 261 000 [] NA [] NAP
6. Annual public budget allocated to training	313 000 [] NA [] NAP	229 000 [] NA [] NAP
7. Other (please specify)	0 [] NA [] NAP	0 [] NA [] NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: Approved budget - Excludes total receipts of £43,947 (€48,997)

Implemented budget - Excludes total receipts of £42,337 (€47,202).

The increase of the budget for computerisation could be explained by the significant uplifts in expenditure/ enhanced budgets secured to develop new systems. For example, Scottish Courts and Tribunal Service spend on the new Integrated Case Management System (ICMS) project significantly increased in 2018/19 v 2016/17. Digitalisation of services is a key business strategy. Category 'other' for 2018/19 generally relates to indirect corporate overhead business associated costs (e.g. office, agency staff, other pay, travel, supplies & services and depreciation etc.) together with other operational costs (e.g. medical reports, interpreter, jury costs). The increase in this category between the two cycles could be explained by the inclusion of 'other operational costs'. Finally, the decrease in implemented budget for training could be explained by structural changes in SCTS Education and Learning business unit (who deliver/organise training) coupled with the general saving challenges.

007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	[] NA [X] NAP	[] NA [X] NAP
Total annual public budget allocated to all courts and legal aid together	[] NA [X] NAP	[] NA [X] NAP

Total annual public budget allocated to all courts, public prosecution services and legal aid together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
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Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

008. Are litigants in general required to pay a court fee to start a proceeding at a court of general jurisdiction:

	Litigants required to pay a court fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If there are exceptions to the rule to pay these court fees, could you please provide comments on those exceptions?

008-1. Please briefly present the methodology of calculation of these court fees:

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

008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:

[111]
 NA
 NAP

Comments £100 (111.50 EUR)

009. Annual income of court fees received by the State (in €):

[37 082 000]
 NA
 NAP

Comments Fee Income £33,260k (37,082k EUR). Latest data.

012. Annual approved public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	153 187 260 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12.1 for cases brought to court (court fees and/or legal representation)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

12.2 for cases not brought to court (legal advice, ADR and other legal services)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments 2018-19 Legal Aid, SBR Budget Allocation - <https://www.gov.scot/publications/scottish-budget-2019-20/pages/11/>
£137.4m

Note from Cost & Performance Manager, Scottish Legal Aid Board: legal aid in Scotland is demand led and therefore is not a capped budget unlike in many other countries;

012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	137 948 807 <input type="checkbox"/> NA <input type="checkbox"/> NAP	81 684 263 <input type="checkbox"/> NA <input type="checkbox"/> NAP	56 264 543 <input type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.1 for cases brought to court (court fees and/or legal representation)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences: 2018-19 expenditure on the Legal Aid Fund;

<https://www.slab.org.uk/app/uploads/2019/09/2018-19-SLAB-Annual-Accounts.pdf>

£123.732m of which Criminal £73.266m; reminder £50.466m

013. Annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	135 541 738 <input type="checkbox"/> NA <input type="checkbox"/> NAP	134 992 092 <input type="checkbox"/> NA <input type="checkbox"/> NAP
13.1. Annual public budget allocated to training of public prosecution services	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	272 036 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: Figures are for 2018-19. The budget figure includes Capital of £3,600,000. The underspend was primarily in our non-cash budget – depreciation etc.

The training budget, as per our accounts, is £244,000 but this will not include all training eg it will not include locally arranged and paid for training.

Q13.1 (training/approved budget) reason for NA: COPFS budget from SG did not go down to that level of detail, so it is within our supplies and services budget.

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

	Preparation of the total court budget	Adoption/approval 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 courts
Ministry of Justice	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Other ministry	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Parliament	() Yes (X) No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP
Supreme Court	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
High Judicial Council	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Courts	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Inspection body	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP
Other	(X) Yes () No <input type="checkbox"/> NAP	() Yes (X) No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP	(X) Yes () No <input type="checkbox"/> NAP

If any other Ministry and/or inspection body and/or other, please specify: 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 Courts and Tribunal 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.

014-1. (Former question 61) Who is entrusted with responsibilities related to the budget within the court?

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

Other	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
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Comments - If "other", please specify:

A2. Please indicate the sources for answering questions 6 to 14:

Sources: SCTS , SLAB , COPFS, Scottish Government Budget.

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	[X] NA [] NAP	[X] NA [] NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: we are unable to get the figures/data

015-2. Elements of the judicial system budget (Q6, Q7, Q12 and Q13)

	Included	Not included	Does not exist (NAP)
Courts (see question 6 or 7)	()	()	(X)
Legal aid (see question 12 or 7)	()	()	(X)
Public prosecution services (see question 13 or 7)	()	()	(X)

we are unable to get the figures/data

015-3. Other budgetary elements

	Included	Not included	Does not exist (NAP)
Prison system	()	()	(X)
Probation services	()	()	(X)
High Judicial Council	()	()	(X)

Constitutional court	()	()	(X)
Judicial management body	()	()	(X)
State advocacy	()	()	(X)
Enforcement services	()	()	(X)
Notariat	()	()	(X)
Forensic services	()	()	(X)
Judicial protection of juveniles	()	()	(X)
Functioning of the Ministry of Justice	()	()	(X)
Refugees and asylum seekers services	()	()	(X)
Immigration Service	()	()	(X)
Some police services (e.g. : transfer, investigation, prisoners' security)	()	()	(X)
Other	()	()	(X)

If "other", please specify: we are unable to get the figures/data

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: we are unable to get the figures/data

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

Legal advice, ADR and other legal services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- The Scottish Legal Aid Board is an executive non-departmental public body of the Scottish Government, responsible for managing legal aid. SLAB manages the legal aid system, which provides access to legal help and advice for people who wouldn't otherwise be able to afford it.

<https://www.mygov.scot/organisations/scottish-legal-aid-board/>

017. Does legal aid include the coverage of or the exemption from court fees?

Yes

No

NAP

If yes, please specify:

018. 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

NAP

If yes, please specify:

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify:

2.1.2. Information on legal aid

020. Please indicate the number of cases for which legal aid has been granted:

Total	Cases brought to court	Cases not brought to court
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TOTAL	202 079 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
In criminal cases	116 314 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
In other than criminal cases	85 765 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please specify when appropriate: SLAB - We do not have accurate data that enables us to know the exact outcome of cases i.e. what grants of legal aid were actually brought to court.

021. 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?

	Assisted by a free of charge lawyer
Accused individuals	(X) Yes () No
Victims	(X) Yes () No

Comments - If yes, please specify: "Yes. Depending on the seriousness of the charge different tests apply. In summary criminal applications, there is an interests of justice test as well as a financial test. 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 summary criminal legal aid. A person whose disposable income exceeds the limit of £222 a week is not eligible for summary criminal legal aid. However, after considering the financial circumstances of the accused person, SLAB must be satisfied that the costs of the case cannot be met without undue hardship to him or his dependants. If an applicant is financially eligible, the interests of justice must then be considered. For solemn legal aid, there is one test, a financial eligibility test. The disposable capital limit is £1,716 however if an applicant is over this limit, the excess needs to be compared to the median costs of the case. The disposable income limit is £222. If a person has disposable income in excess of £222 a week, the amount over £222 needs to be multiplied by 26 and compared to the median costs of the case. However, after considering the financial circumstances of the accused person, SLAB must be satisfied that the costs of the case cannot be met without undue hardship to him or his dependants."

022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

	free selection of lawyer
Accused individuals	(X) Yes () No [] NAP
Victims	(X) Yes () No [] NAP

Comments Subject to the qualification that solicitors must be registered with SLAB as providers of funded legal assistance. Registration triggers participation in a peer reviewed quality assurance scheme.

023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?

(X) Yes

() No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: 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 solemn and 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, SLAB must be satisfied that the costs of the case cannot be met without undue hardship to him or his dependants. (For more details regarding the financial test for solemn criminal legal aid please see Question 21). 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 £26239, 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.

Children's Legal Aid: To be eligible, a person must have a disposable capital of less than £7,405 a year. A person whose disposable income exceeds the limit of £222 a week is not eligible for children's legal aid. However, after considering the financial circumstances of the applicant, SLAB must be satisfied that the costs of the case cannot be met without undue hardship to him or his dependants. Unlike advice and assistance there are no statutory allowances from capital for partners or dependants.

023. If yes, please specify in the table:

	Annual income value (for one person), (in €)	Assets value (for one person), (in €)
Full legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Full legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Partial legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Partial legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

(X) Yes

() No

Comments - If yes, please explain the exact criteria for denying legal aid: Civil Legal Aid

As well as assessing a person's financial means, SLAB 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 Legal Aid

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. In cases where it is the sheriff that takes the decision to grant legal aid, the sheriff considers the best interests of the child.

Criminal Legal Aid

An "interests of justice" test is applied for ABWOR. The criteria is when the offence is such that if proved it is likely that the court would impose a sentence which would deprive the accused of their liberty or lead to loss of their livelihood. If that criteria is not met then legal aid will be refused.

025. 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)

Comments

026. 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

Comments - 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.

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: www.slab.org.uk - Scottish Legal Aid Board

2.2. Court users and victims

2.2.1. Rights of the users and victims



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

	Yes	Internet adresse(es)
legal texts (e.g. codes, laws, regulations, etc.)	()	(X) www.legislation.gov.uk
case-law of the higher court/s	()	(X) www.legislation.gov.uk
other documents (e.g. downloadable forms, online registration)	()	(X) www.legislation.gov.uk

Please specify what documents and information are included in "other documents": information for users of both criminal and civil courts can be found at www.scotcourts.gov.uk/coming-to-court/attending-a-court

029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

() Yes, always

(X) No

() Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

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

(X) Yes

() No

Comments - If yes, please specify: The Scottish Government's www.mygov.scot contains information related to victim support at - <https://www.mygov.scot/crime-justice-and-the-law/>. There are a number of other websites available, such as Victim Support Scotland, Rape Crisis Scotland, Scottish Women's Aid and Children 1st, that have content aimed at assisting and providing information to victims of crime.

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	(X) Yes () No	(X) Yes () No	() Yes (X) No
Victims of terrorism	(X) Yes () No	(X) Yes () No	() Yes (X) No
Minors (witnesses or victims)	(X) Yes () No	(X) Yes () No	() Yes (X) No
Victims of domestic violence	(X) Yes () No	(X) Yes () No	() Yes (X) No
Ethnic minorities	(X) Yes () No	(X) Yes () No	() Yes (X) No

Disabled persons	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Juvenile offenders	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other vulnerable person" and/or "other special arrangements", please specify:

031-1. Is it possible for minors to be a party to a judicial proceeding:

- Yes
 No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can minor benefit from legal aid, be represented by a lawyer, etc.): Criminal, children's hearings - more information can be obtained here <https://www.mygov.scot/crime-justice-and-the-law/courts-and-sentencing/>

032. Does your country allocate compensation for victims of offences?

- Yes, please specify for which kind of offences: The Criminal Injuries Compensation Scheme provides compensation for victims who have been physically or mentally injured as the result of a violent crime.
 No

Comments

032-1. Is a court decision necessary in the framework of the compensation procedure?

- Yes
 No

Comments Further guidance can be found on their website - www.cica.gov.uk

033. If yes, does this compensation come from:

- a public fund
 damages and interests to be paid by the person responsible
 a private fund

Comments

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

- Yes
 No

Comments - 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:

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

- Yes
 No

Comments - If yes, please specify: Prosecutors may apply to the Court for conditions of bail designed to protect a victim from an accused person. Prosecutors may apply to the Court for measures to assist a vulnerable victim give evidence to the Court e.g. giving evidence with

a supporter or by video link.

036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of the question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

Yes

No

NAP

Comments - If necessary, please specify:

037. Is there a system for compensating users in the following circumstances:

	Number of requests for compensation	Number of condemnations	Total amount (in €)
Total	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP
Excessive length of proceedings	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP
Non-execution of court decisions	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP
Wrongful arrest	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP
Wrongful conviction	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP
Other	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP	<input type="checkbox"/> X] NA <input type="checkbox"/>] NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions):

2.2.2 Confidence and satisfaction of citizens with their justice system

038. Does your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

	National level	Court level
1. Surveys aimed at judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

2. Surveys aimed at court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
3. Surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
4. Surveys aimed at lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
5. Surveys aimed at the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
6. Surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
7. Surveys aimed at victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: Please see the SCTS 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 2017 and Staff Survey 2018.

The SCTS has a Court users survey that asks about experience of attending court. It does not ask about opinions relating to justice as that would be a matter for Scottish Government who run a justice survey.

The SCJS is a large-scale social survey which asks people about their experiences and perceptions of crime. There's more information on this available here - <http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/crime-and-justice-survey/background>

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

- () Yes
(X) No

Comments

041. If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
Court concerned	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Higher court	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Ministry of Justice	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

High Judicial Council	() Yes () No	() Yes () No
Other external bodies (e.g. Ombudsman)	() Yes () No	() Yes () No

Comments

041-1. If yes, please specify certain aspects of this procedure:

	Number of complaints	Compensation amount granted
Court concerned	[] NA [] NAP	[] NA [] NAP
Higher court	[] NA [] NAP	[] NA [] NAP
Ministry of Justice	[] NA [] NAP	[] NA [] NAP
High Judicial Council	[] NA [] NAP	[] NA [] NAP
Other external bodies (e.g. Ombudsman)	[] NA [] NAP	[] NA [] NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations.

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	77 [] NA [] NAP
42.2 First instance specialised courts (legal entities)	1 [] NA [] 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)	[X] NA [] NAP

Comments The number of first instance courts (legal entities) is 77 (39 Sheriff Courts, 34 JP courts, 1 Court of Session and there are 3 regular High Court venues - although the High Court can sit in any Sheriff Court) The number of specialised courts (legal entities) is 1 (the All-Scotland PI court). The number for all courts (legal entities) is 82 (i.e. 77 first instance + 1 specialised + 4 appeal). Data on

geographic locations are not available.

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Commercial courts (excluded insolvency courts)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insolvency courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Labour courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Family courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Rent and tenancies courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Enforcement of criminal sanctions courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Fight against terrorism, organised crime and corruption	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Internet related disputes	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Administrative courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insurance and / or social welfare courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Military courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other specialised 1st instance courts	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other specialised 1st instance courts”, please specify: 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.

044. 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

(X) No

Comments - Please specify:

045. Number of first instance courts (geographic locations) competent for a case concerning:

	Number of courts
a debt collection for small claims	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
an employment dismissal	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
a robbery	39 <input type="checkbox"/> NA <input type="checkbox"/> NAP
an insolvency case	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

045-1. Is your definition for small claims the same as the one in the Explanatory note?

() Yes

(X) No

Comments - If not, please give your definition for small claims: Small claims or Simple Procedure are designed to be simplified and less formal and can only be applied for in the sheriff court. The procedure can be used where the value of the claim is up to and including £5000. There are some circumstances where this procedure cannot be used, even if the value of the claim is less than £5000; for example, actions for recovery of possession of heritable property and damages resulting from personal injuries. In these cases the summary cause procedure would be used where the claim is up to and including £5000 and the ordinary cause procedure where the value is above £5000. You do not need to use a solicitor to use the small claims procedure, but you can do if you wish.

045-2. Please indicate the value in € of a small claim:

[5 575]

Comments The procedure has changed from 28/11/2016. From this date, if you are raising a claim which seeks payment for £5000 or less, delivery or recovery of possession of moveable property or an order for someone to do something specific where there is an alternative claim for £5000 or less, you should use the SIMPLE PROCEDURE.

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

Sources: SCTS.

3.2. Court staff

3.2.1. Judges and non-judge staff



046. Number of professional judges sitting in courts (if possible on 31 December of the reference

year). (Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	201 [] NA [] NAP	147 [] NA [] NAP	54 [] NA [] NAP
1. Number of first instance professional judges	184 [] NA [] NAP	137 [] NA [] NAP	47 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	17 [] NA [] NAP	11 [] NA [] NAP	6 [] NA [] NAP
3. Number of Supreme Court professional judges	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: JOS:First instance judges divided between Summary Sheriffs (37) , Sheriffs (127) , Sheriffs Principal (6) and Senators of the Outer House (23) SCTS: "Total professional judges - total salaried judges. First Instance Judges = 24 Outer House judges; 1 Chairman of Land Court; 3 Members of the Scottish land Court; 121 Sheriffs; and 34 Summary Sheriffs. 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."

047. Number of court presidents (professional judges).

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP
1. Number of first instance court presidents	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Number of second instance (court of appeal) court presidents	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Number of Supreme Court presidents	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

	Figure
Gross figure	79 [] NA [] NAP

In full-time equivalent	[X] NA [] NAP
--------------------------------	---------------------

Comments - If necessary, please provide comments to explain the answer provided: SCTS comment:6 Retired Judges, 10 Temp Judges, 36 Part time sheriffs, 5 Part time summary sheriffs & 22 Re-employed retired sheriffs.

048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

- () Yes If yes, please give specifications on the types of cases and an estimate in percentage.
 (X) No
 [] NAP

Comments Part-time judiciary provide cover on an ad-hoc basis when required. Most bookings are for 1 day at a time to cover exceptional circumstances of a shortage of judicial resources.

049. Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting in a jury):

	Figure
Gross figure	[X] NA [] NAP
In full time equivalent	[X] NA [] NAP

Comments JOS comment: Answer should be N/A - the JOS does not hold the the number of JP's.

049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:

	Yes	No	Echevinage
criminal cases (severe)	()	(X)	()
criminal cases (misdemeanour and/or minor)	(X)	()	()
family law cases	()	(X)	()
labour law cases	()	(X)	()
social law cases	()	(X)	()
commercial law cases	()	(X)	()
insolvency cases	()	(X)	()
other civil cases	()	(X)	()

[] NAP

Comments - If "other", please specify: Justices of the peace are lay magistrates who sit with a legally qualified adviser to deal with summary criminal cases. Justices sit either alone or on a treble bench and deal with many driving offences such as speeding, careless driving and driving without insurance. They also deal with less serious assault, breach of the peace, theft and other less serious crimes.

050. Does your judicial system include trial by jury with the participation of citizens?

(X) Yes

() No

Comments

050-1. If yes, for which type of case(s)?

[X] Criminal cases

[X] Other than criminal cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

[]

[X] NA

[] NAP

Comments

052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (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)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1 592 [] NA [] NAP	550 [] NA [] NAP	1 042 [] NA [] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	1 414 [] NA [] NAP	465 [] NA [] NAP	949 [] NA [] NAP
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)	178 [] NA [] NAP	85 [] NA [] NAP	93 [] NA [] NAP

4. Technical staff	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
5. Other non-judge staff	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other non-judge staff", please specify: Provided by SCTS HR Department

052-1. Number of non-judge staff by instance (if possible on 31 December of the reference year) (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)

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	163 <input type="checkbox"/> NA <input type="checkbox"/> NAP	61 <input type="checkbox"/> NA <input type="checkbox"/> NAP	102 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Total non-judge staff working in courts at first instance level	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Total non-judge staff working in courts at Supreme Court level	163 <input type="checkbox"/> NA <input type="checkbox"/> NAP	61 <input type="checkbox"/> NA <input type="checkbox"/> NAP	102 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Provided by SCTS HR Department

053. If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases
- NAP

Comments - Please briefly describe their status and duties: does not apply.

054. Have the courts outsourced certain services under their responsibilities to external providers?

- Yes
- No

Comments

054-1. If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify):not known

Comments

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: SCTS/Judicial Office for Scotland

3.3. Public prosecution

3.3.1. Public prosecutors and staff



055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of prosecutors at first instance level	505 <input type="checkbox"/> NA <input type="checkbox"/> NAP	167 <input type="checkbox"/> NA <input type="checkbox"/> NAP	338 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of prosecutors at second instance (court of appeal) level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Number of prosecutors at Supreme Court level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment for interpreting the data above:

056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP

1. Number of heads of prosecution offices at first instance level	9 [] NA [] NAP	5 [] NA [] NAP	4 [] NA [] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Number of heads of prosecution offices at Supreme Court level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Please provide any useful comment for interpreting the data above:

057. Do other persons have similar duties to those of public prosecutors?

() Yes

(X) No

Comments - If yes, please specify their title and functions:

057-1. Please specify their number (in full-time equivalent):

[]
[] NA

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

() Yes

() No

[] NAP

Comments

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence ?

(X) Yes

() No

Comments

060. Number of staff (non-public prosecutors) attached to the public prosecution services (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	1 063 [] NA	312 [] NA	751 [] NA

Comments COPFS comment to Q60: Since 2017 COPFS have moved a number of fixed term appointments to permanent status to increase organisational stability and permanent resource. In addition to this in 2018 additional funding was agreed by the Scottish Government in response to the changing profile and complexity of caseload.

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: Crown Office and Procurator Fiscal Service.

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

	Yes, please specify	No
judges	(X)	()
prosecutors	(X)	()
non-judge staff	(X) ensuring balance of male/female panel members on interviews; annual review of recruitment equality stats	()
lawyers	(X)	()
notaries	(X)	()
enforcement agents	(X)	()

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

	Yes, please specify	No
judges	(X)	()
prosecutors	(X)	()
non-judge staff	(X) ensuring balance of male/female panel members on interviews; annual review of recruitment equality stats	()
lawyers	(X)	()

notaries	(X)	()
enforcement agents	(X)	()

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify:

3.4.2 At national level

061-4. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:

	Yes	No
judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

Comments - If the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us?

061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?

() Yes

(X) No

Comments - if the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? No - Newly appointed Judicial Office Holders are recommended on merit by the Judicial Appointments Board for Scotland

061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

	Yes, please specify	No
the recruitment of judges	(X) the EOC (www.eoc.org.uk)	()
the promotion of judges	(X) the EOC (www.eoc.org.uk)	()

the recruitment of prosecutors	(X) the EOC (www.eoc.org.uk)	()
the promotion of prosecutors	(X) the EOC (www.eoc.org.uk)	()
the recruitment of non-judge staff	(X) the EOC (www.eoc.org.uk)	()
the promotion of non-judge staff	(X) the EOC (www.eoc.org.uk)	()

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments the EOC (www.eoc.org.uk) / Equality and Human Rights Commission

061-6-1. Please specify the text which set up this person/institution :

(title, date, nature of the text) Equal Opportunities Commission / Equality and Human Rights Commission - set up under the Sex Discrimination Act 1975/ Equality Act 2006

[] NAP

061-6-2. Please specify the status of this person/institution:

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality) non-departmental public body

[] NAP

061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:

(e.g. block a decision or allow an appeal) EGRC can apply for a judicial review and/or intervene in court proceedings.

[] NAP

3.4.3 At court/public prosecution services level



061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

Yes	No
-----	----

in courts (judges)	()	(X)
in public prosecution services (prosecutors)	()	(X)
for courts' non-judge staff	()	(X)

Comments - If yes, please specify their titles and tasks. If the situation changed since the reference year, please specify in the comments.

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

	Yes	No
Assignment in different positions	()	(X)
Workload distribution	()	(X)
Working hours	()	(X)
Modalities of teleworking and presence in the work space	()	(X)
Replacement of absent persons	()	(X)
Organisation of the hearings	()	(X)
Other	()	(X)

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments. SCTS HR - NAP.

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) : The publication of the 2018 Profile of the Profession report is a landmark for us and for the legal profession. The research examined equality and diversity issues and was carried out by independent researchers Rocket Science.

With over 2,700 full responses from solicitors, trainee solicitors and accredited paralegals, it's the biggest survey of its kind in Scotland.

We have also published a response to its findings setting out 28 steps we will take to address equality and diversity issues in the legal profession, which contains comparisons with other professions.

are planned (please specify) : <https://www.lawscot.org.uk/research-and-policy/equality-and-diversity/research/profile-of-the-profession/>

Comments - If the situation changed since reference year, please specify in the comments. .

[] NAP

061-10. In your judicial system, and eventually based on evaluation, studies or official reports, what are the main causes of inequalities in:

recruitment procedures (please specify): in non judge staff the majority of staff are female. In some departments, there are lower % of females and this is due to lack of females applying for roles

promotion procedures and access to the functions of responsibility (please specify) : in non judge staff the majority of staff are female. In some departments, there are lower % of females and this is due to lack of females applying for roles

Comments - If the situation changed since reference year, please specify in the comments. .

[] NAP

061-11. In your courts, is there particular attention given to gender issues regarding the public and users of justice, in particular:

	Yes, please specify	No
judges and court staff are more chosen among males or females according to the type of cases	()	(X)
the composition of hearings with several judges is always mixed	()	(X)
statistics exist concerning males and females who initiate a case/victims, accused persons, etc.	()	(X)

Comments - if you have additional comments please specify. If the situation changed since reference year, please specify in the comments.

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

062-1. Basic principles and models used in Information technology policies and strategies

definition

	Organisation
IT policies and strategies	<input checked="" type="checkbox"/> defined and coordinated at national level by one institution <input type="checkbox"/> defined and coordinated at national level by several institutions <input type="checkbox"/> defined and coordinated at unit/stakeholder level <input type="checkbox"/> other
IT Governance	<input checked="" type="checkbox"/> governed on national level by one institution <input type="checkbox"/> governed on national level by several institutions <input type="checkbox"/> organised at unit/stakeholder level <input type="checkbox"/> other

Comments

065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only
- mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented):

065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

	Implementing new projects	Management of applications
Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Non
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non
Other alternatives (external service provider only – specify in a comment)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non

Comments - please also describe in case of “other alternatives”

065-3. Is there a device of detection and promotion of innovations regarding IT coming from personal and/or local/court level initiatives?

- Yes
- No

Comments (please specify projects that have experienced national developments)

065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?

(X) Yes

() No

065-4-1. If yes, have you measured the impact on (multiple answers possible):

[X] Business processes

[X] Workload

[X] Human resources

[X] Costs

[] Other, please specify

Comments (please specify examples of the impact)

3.5.2 Security of courts information system and personal data protection

065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

(X) Yes

() No

Comments (please specify in particular if national frameworks of information security exist):

065-6. Is the protection of personal data managed by courts ensured at legislative level?

(X) Yes

() No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) GDPR.

3.5.3 Centralised databases for decision support

062-4. Is there a centralised national database of court decisions (case-law, etc.)?

(X) Yes

() Non

Comments PLEASE NOTE:

Data anonymised - anonymisation and redaction occurs where needed so this can't be answered as a straight YES or NO

062-4-1. If yes, please specify the following information:

For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
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Civil and/or commercial	() Yes all judgements (X) Yes some judgements () No	() Yes all judgements (X) Yes some judgements () No	() Yes all judgements (X) Yes some judgements () No	() Yes (X) No	(X) Yes () No	(X) Yes () No	() Yes (X) No
Criminal	() Yes all judgements (X) Yes some judgements () No	() Yes all judgements (X) Yes some judgements () No	() Yes all judgements (X) Yes some judgements () No	() Yes (X) No	(X) Yes () No	(X) Yes () No	() Yes (X) No
Administrative	() Yes all judgements (X) Yes some judgements () No	() Yes all judgements (X) Yes some judgements () No	() Yes all judgements (X) Yes some judgements () No	() Yes (X) No	(X) Yes () No	(X) Yes () No	() Yes (X) No

Comments - if it exists in other matters please specify See SCTS website - <http://www.scotcourts.gov.uk/search-judgments/about-judgments>

3rd instance court (UK supreme court) sits rarely in Scotland but does sometimes sit

PLEASE NOTE:

Data anonymised - anonymisation and redaction occurs where needed so this can't be answered as a straight YES or NO

062-6. Is there a computerised national record centralising all criminal convictions?

(X) Yes

() No

Comments

062-6-1. If yes, please specify the following information:

- Linkage with other European records of the same nature
- Content directly available through computerised means for judges and/or prosecutors
- Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access SCTS

3.5.4 Writing assistance tools

062-7. Are there writing assistance tools for which the content is coordinated at national level?

(models or templates, paragraphs already pre-written, etc.)

() Yes

(X) No

Comment – if it exists in other matters please specify

062-7-1. If yes, please specify the following information:

Availability rate

Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA

062-8. Are there voice recording tools?

Yes

No

Comments

062-8-1. If yes, please specify:

	Availability of simple dictation tools	Availability of multiple speakers recording tools	Voice recognition feature
Civil and/or commercial	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Criminal	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input checked="" type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

Administrative	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input checked="" type="checkbox"/> NA	<input type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
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062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access
- NA

Comments

3.5.5 Technologies used for administration of the courts and case management

063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- Yes
- No

Comments - if it exists in other matters please specify

063-1-1. If yes, please specify the following information:

	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input checked="" type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

063-2. Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
Land registry	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Business registry	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comment – if it exists in other matters please specify Land and property register is managed by the Registers of Scotland. Companies House is the United Kingdom's registrar of companies and is an executive agency and trading fund of Her Majesty's Government.

063-6. Budgetary and financial management systems of courts

Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)

Budgetary and financial management of courts	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Justice expenses management	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other (please specify in comments)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments

063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments

063-7-1. If yes, please specify the following information:

	Tools deployment rate	Data used for monitoring at national level	Data used for monitoring at court local level	Tool integrated in the CMS
For judges	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For prosecutors	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For non-judge/non-prosecutor staff	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

3.5.6 Technologies used for communication between courts, professionals and/or court

users

064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

Yes

No

Comments

064-2-1. If yes, please specify the following information:

	Availability rate	Simultaneous submission of cases in paper form remains mandatory	Specific legislative framework authorising the submission of a case	An integrated/connect ed tool with the CMS
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input checked="" type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - if it exist in other matters please specify For some civil case types and most criminal.

064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments apply for legal aid through a solicitor

064-3-1. If yes, please specify the following information:

Requesting legal aid electronically

Availability rate	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA
Formalisation of the request in paper form remains mandatory	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Specific legislative framework regarding requests for legal aid by electronic means	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Granting legal aid is also electronic	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Information available in CMS	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

Yes

No

Comments

064-4-1. If yes, please specify the following information:

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> SMS <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/>
Criminal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> SMS <input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/>

Administrative	[]	[]	[]	[] SMS [] E-mail [] Specific computer application [] Other	[]
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Comments

064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Communication between court and lawyers representing parties

Yes

No

Communication between court and parties not represented by lawyer

Yes

No

Comments

064-6-1. If yes, please specify the following information:

	Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments Data not available

064-7. Terms and conditions of electronic communication used by professionals other than lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

	Tool deployment rate	Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework
Enforcement agents (as defined in Q169 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Notaries (as defined in Q192 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Experts (as defined in Q202 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Judicial police services	<input type="checkbox"/> 100%	<input type="checkbox"/> E-mail	<input type="checkbox"/> Yes
	<input type="checkbox"/> 50-99%	<input type="checkbox"/> Specific	
	<input type="checkbox"/> 10-49%	computer application	
	<input type="checkbox"/> 1-9%	<input type="checkbox"/> Other	
	<input type="checkbox"/> 0% (NAP)		
	<input checked="" type="checkbox"/> NA		

Comments

064-9. Are there online processing devices of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)

Yes

No

Comments – Please describe the system that exists. Simple procedure.

064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

Yes

No

Comments

064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input type="checkbox"/> No
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments data not available

064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

Yes

No

Comments data not available

064-11-1. If yes, please specify the following information:

	Tool deployment rate	Type of recording	Specific legislative framework
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

064-12. Is electronic evidence admissible?

	Admissibility of electronic evidence	Legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
Criminal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
Administrative	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> General law only <input checked="" type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only

Comments In late September 2019 The Scottish Government has launched the procurement process for a new 'digital evidence sharing capability' (DESC).

DESC is a collaboration between the Scottish Government, Police Scotland, the Crown Office and Procurator Fiscal Service and the defence community that aims to transform the way that digital evidence is managed throughout criminal investigations and prosecutions.

It will allow users such as police officers, prosecutors, court staff and defence agents to digitally access evidence in an efficient and user-friendly way.

The system could allow cases to be resolved faster and improve the experiences of victims and witnesses.

It will allow for earlier consideration and disclosure of evidence, reducing unnecessary inconvenience to witnesses and the risk of traumatising victims further.

It also could reduce costs involved in managing and transporting evidence such as CCTV footage, video interviews and forensic images in physical form.

3.6. Performance and evaluation

3.6.1. National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

067. Do you have specialised personnel entrusted with implementation of these national level quality standards?

	Yes / No
within the courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
within the public prosecution services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

3.6.2. Performance and quality objectives at court level/public prosecution services

077. Concerning court activities, have you defined performance and quality indicators?

Yes

No

Comments

078. If yes, please select the main performance and quality indicators that have been defined for courts:

number of incoming cases

length of proceedings (timeframes)

number of resolved cases

number of pending cases

backlogs

productivity of judges and court staff

satisfaction of court staff

- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):see comment box

Comments 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>

077-1. Concerning public prosecution activities, have you defined performance and quality indicators?

- Yes
- No

Comments

078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

- Yes
- No

Comments

073-0. If yes, please specify the frequency:

- Annual
- Less frequent
- More frequent

Comments - If "less frequent" or "more frequent", please specify: Quarterly

073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?

- Yes
- No

Comments

073-2. If yes, which courses of action are taken?

- Identifying to the causes of improved or deteriorated performance
- Reallocating resources (human/financial resources based on performance (treatment)
- Reengineering of internal procedures to increase efficiency (treatment)
- Other (please specify):

Comments

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?

- Yes
- No

Comments

073-4. If yes, please specify the frequency:

- Annual
- Less frequent
- More frequent

Comments - If "less frequent" or "more frequent", please specify: Performance reviewed monthly by senior managers, and by Operational Performance Committee.

073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

- Yes
- No

Comments

073-6. If yes, which courses of action are taken?

- Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments Performance against indicators one of a number of factors taken into account when allocating resources.

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

High Judicial Council

Ministry of Justice

Inspection authority

Supreme Court

External audit body

Other (please specify):see comment box below

Comments 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.

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple options possible) :

Public prosecutorial Council

Ministry of Justice

Head of the organisational unit or hierarchical superior public prosecutor

Prosecutor General /State public prosecutor

External audit body

Other (please specify):Independent Inspectorate of Prosecution

Comments

3.6.3. Measuring courts' / public prosecution services activity

070. Do you regularly monitor court activities (performance and quality) concerning:

number of incoming cases

length of proceedings (timeframes)

number of resolved cases

number of pending cases

backlogs

productivity of judges and court staff

satisfaction of court staff

satisfaction of users (regarding the services delivered by the courts)

costs of the judicial procedures

number of appeals

appeal ratio

clearance rate

- disposition time
- other (please specify):

Comments

070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

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

Comments

072. Do you monitor waiting time during judicial proceedings?

	Yes (If yes, please specify)	No
within the courts	(X)	()
within the public prosecution services	(X) Key performance indicators measure percentage of cases reaching key stages within specific timescales.	()

Comments

3.6.4. Information regarding courts /public prosecution services activity

080. Is there a centralised institution that is responsible for collecting statistical data regarding the

functioning of the courts?

Yes (please indicate the name and the address of this institution):see the comment box

No

Comments Justice Analytical Services

Scottish Government

Victoria Quay

Edinburgh EH6 6QQ

Management Information and Analysis Team

Scottish Court Service

N1 Saughton House

Broomhouse Drive

Edinburgh EH11 3XD

080-1. Does this institution publish statistics on the functioning of each court:

Yes, on internet

No, only internally (in an intranet website)

No

Comments Comments: See the Quarterly Criminal Court statistics publication on the SCTS website; <http://www.scotcourts.gov.uk/about-the-scottish-court-service/reports-data>

080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

Yes (please indicate the name and the address of this institution):see comment

No

Comments Central unit within prosecution service responsible for most statistical data. Some data, on outcomes including conviction rates, collated and published by Scottish Government.

080-3. Does this institution publish statistics on the functioning of each public prosecution service?

Yes, on internet

No, only internally (in an intranet website)

No

Comments

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

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-1. If yes, please specify in which form this report is released:

- Internet
- Intranet (internal) website
- Paper distribution

Comments

081-2. If yes, please, indicate the periodicity at which the report is released:

- Annual
- Less frequent
- More frequent

Comments

081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

- Yes
- No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-4. If yes, please specify in which form this report is released:

- Internet
- Intranet (internal) website
- Paper distribution

Comments Annual Accounts, laid before the Scottish Parliament.

081-5. If yes, please, indicate the periodicity at which the report is released:

- Annual
- Less frequent
- More frequent

Comments

3.6.5 Courts administration

082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

- Yes
- No

Comments - If yes, please specify: Yes - on both a national and local level there are regular meetings between COPFS and SCTS, and occasionally the Judiciary, which analyse the information available regarding the organisation of Courts.

082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Yes

No

Comments - If yes, please specify:

3.6.6 Performance and evaluation of judges and public prosecutors

083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

Yes

No

Comments

083-1. Who is responsible for setting the individual targets for each judge?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example the High Judicial Council, Supreme Court)

President of the court

Other (please specify):

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

114. Is there a system of qualitative individual assessment of the judges' work?

Yes

No

Comments

114-1. If yes, please specify the frequency of this assessment:

Annual

Less frequent

More frequent

083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

Yes

No

Comments Each public prosecutor will agree specific objectives with their line manager. These objectives will reflect individual circumstances and business priorities. They may or may not be quantitative. Some overarching quantitative targets are set for COPFS as a whole.

083-3. Who is responsible for setting the individual targets for each public prosecutor

- Executive power (for example the Ministry of Justice)
- Prosecutor General /State public prosecutor
- Public prosecutorial Council
- Head of the organisational unit or hierarchical superior public prosecutor
- Other (please specify):

Comments

120. Is there a system of qualitative individual assessment of the public prosecutors’ work?

- Yes
- No

Comments

120-1. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent
- More frequent

Comments

C4. Please indicate the sources for answering the questions in this chapter:

Sources: SCTS / COPFS

4.Fair trial

4.1.Principles

4.1.1.Principles of fair trial



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

- []
- NA
- NAP

Comments - Please add methodology for calculation used.

085. Is there a procedure to effectively challenge a judge, if a party considers that the judge is not impartial?

- Yes
- No

Comments - Please could you briefly specify:

085-1. Ratio between the total number of initiated procedures of challenges and total number of finalised challenges (in the reference year):

[]
[X] NA

Comments

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

- [] For civil procedures (non-enforcement)
[] For civil procedures (timeframe)
[] For criminal procedures (timeframe)
[] NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations):

086-1. Is there in your country a possibility to review a case after a decision on violation of human rights by the European Court of Human Rights?

- () Yes
() No
[X] NAP

Comments

D1. Please indicate the sources for answering questions in this chapter.

Sources: SCTS

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters regarding:

- [X] civil cases
[X] criminal cases
[] administrative cases
[] There is no specific procedure for urgent matters

Comments - If yes, please specify:

088. Are there simplified procedures for:

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify: From 28 November 2016 simple procedure replaces the current small claims procedure. It also replaces the summary cause procedure but only where it relates to actions for payment, delivery or for recovery of possession of moveable property, or actions which order someone to do something specific.

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify: Oral judgments can be delivered in court with the decision being recorded in the court minute which sits on an electronic data base.

089. 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

Comments - If yes, please specify:

4.2.2. Case flow management – first instance

091. First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of other than criminal law cases (1+2+3+4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	95 503 <input type="checkbox"/> NA <input type="checkbox"/> NAP	77 790 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	2 969 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Figures in table at question 91 relate to Sheriff Court civil business, first instance at the Court of Session and also the first instance cases at the All-Scotland Personal Injury Court. Provided by SCTS and SG/JAS Civil Justice team.

092. 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, first instance at the Court of Session and also the first instance cases at the All-Scotland Personal Injury Court

093. Please indicate the case categories included in the category "other cases":

. Sheriff Court - Liquidations and sequestrations

094. First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2+3)	[X] NA [] NAP	104 032 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	[X] NA [] NAP	7 300 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[X] NA [] NAP	96 732 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases" please specify: Severe criminal cases are termed SOLEMN (serious assault, fraud, assault and robbery etc) Misdemeanour/minor cases are termed SUMMARY (theft, assault, road traffic offences etc) - data covers all first instance at High Court, Sheriff Court and JP courts

4.2.3. Case flow management – second instance

097. Second instance courts (appeal): Number of "other than criminal law" cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of other than criminal law cases (1+2+3+4)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	[X] NA [] NAP	446 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "Other cases" please specify

098. Second instance courts (appeal): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2+3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Severe criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	597 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	723 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

3. Other cases	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify. Criminal appeals - Include High Court appeals and All-Scotland Sheriff Appeals (criminal) / Civil appeals include Court of Session appeals and All-Scotland Sheriff Appeals (Civil)

4.2.4. Case flow management – Supreme Court

099. Highest instance courts (Supreme Court): Number of “other than criminal law” cases:

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of other than criminal law cases (1+2+3+4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If "Other cases", please specify SCTS holds no data for UK Supreme Court

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

() Yes

(X) No

Comments SCTS: In SAC civil appeals, motions can be made for a civil appeal to be refused by the procedural appeal sheriff. However, we are not sure what the equivalent is for the Court of Session sitting as a civil appeal court.

099-1-1. If yes, please indicate the number of:

cases received by the Highest court? []

cases closed by this procedure? []

Comments

100. Highest instance courts (Supreme Court): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of criminal law cases (1+2+3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
1. Severe criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Misdemeanour and / or minor criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify SCTS holds no data for UK Supreme for Civil or Criminal cases

4.2.5. Case flow management and timeframes – specific cases

101. Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases,

intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
Litigious divorce cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insolvency	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Cases relating to the right of entry and stay for aliens	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

101-1. Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). 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	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)	% of cases pending for more than 3 years for all instances
Civil and commercial litigious cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Litigious divorce case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):

. Justice Analytical Services: Divorces can be applied for using two main procedures in the courts - simplified procedure and ordinary procedure. The simplified procedure is a low-cost, simple method of obtaining a divorce in cases where there are no children under 16 and no monetary claims by one spouse against another. Other cases go to court under the ordinary procedure.

104. How is the length of proceedings calculated for the six case categories of question 102? Please give a description of the calculation method.

. n/a

4.2.6. Case flow management – public prosecution



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 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 (please specify):see comments section

Comments COPFS plays a role in the investigation of crime but has no role in the supervision of the police.

106. Does the public prosecutor also have a role in:

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify: As described above, COPFS investigates all deaths requiring further explanation. In non criminal deaths, depending on their circumstances COPFS will decide whether a Fatal Accident Inquiry should be held and represent the public interest at that Inquiry.

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	170 575 <input type="checkbox"/> NA <input type="checkbox"/> NAP	36 566 <input type="checkbox"/> NA <input type="checkbox"/> NAP	45 620 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments 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 2018-2019 will not result in a disposal that year, and some of the disposals in 2018-19 will relate to cases reported in earlier years.

107-1. If the guilty plea procedure exists, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
Total	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Before the court case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
During the court case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments COPFS COMMENT: These figures were previously collated manually, but this collection was discontinued from 1 April 2016.

108. Total number of cases which were discontinued by the public prosecutor.

Number of cases

Total number of cases which were discontinued by the public prosecutor (1+2+3+4)	36 566 [] NA [] NAP
1. Discontinued by the public prosecutor because the offender could not be identified	[] NA [X] NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	12 973 [] NA [] NAP
3. Discontinued by the public prosecutor for reasons of opportunity	23 593 [] NA [] NAP
4. Other	[X] NA [] NAP

Comments The number of cases received has decreased since 2013-14. This reflects trends in recorded crime overall. In addition, policy changes mean that some more minor cases are now dealt with directly by the police rather than reported to prosecutors. The number of cases discontinued cases by the public prosecutor has decreased since 2012-13. This is largely because of the decrease in the number of cases being reported.

109. Do the figures include traffic offence cases?

- Yes
- No

Comments

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: COPFS; Data for Q107 to Q109 relates to financial year 2018-19. Q107 and Q108 – Figures taken from Crown Office and Procurator Fiscal (COPFS) live operational case management system, specifically designed to receive criminal and death reports from the police and other specialist reporting agencies and to manage these cases for prosecution purposes. The information held on the system is structured for these operational needs, rather than for statistical reporting or research purposes.

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. How are judges recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify):



111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

- an authority made up of judges only
- an authority made up of non-judges only
- an authority made up of judges and non-judges

Comments - 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:

112. Is the same authority (Q111) competent for the promotion of judges?

- Yes
- No

Comments Senators who move from the Outer house to the Inner House are designated by the Lord President. Promotion to the Inner House is on merit based on evidence of sitting at first instance and from time to time at appellate level. All other elevations are in fact new appointments and dealt with by the Judicial Appointments Board as a normal recruitment exercises.

113. What is the procedure for the promotion of judges? (multiple answers possible)

- Competitive test / Exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination): If a judicial office holders seeks a more senior role, they must apply in the appropriate competition. The exception is the appointment of Senators to the Inner House from among the Outer House Judges. The appointment is made by the Lord President and the Lord Justice Clerk with the consent of Scottish Ministers. There is now a system in place requiring a form of application and appointment on merit.

113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”):

5.1.2. Status, recruitment and promotion of prosecutors



115. What is the status of public prosecution services?

- statutory independent
- under the authority of the Minister of Justice or another central authority
- other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?

Yes

No

Comments - If yes, please specify: The prosecutor is independent and the prosecution service alone can make a decision to initiate a prosecution.

116. How are public prosecutors recruited?

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify):

Comments

117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

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

Comments - 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:

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

Yes

No, please specify which authority is competent for promoting public prosecutors

Comments

119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): Competency based interviews are assessed by trained selectors. In selection processes candidates are assessed by the quality of their responses to given questions around specific competences relevant to the role (e.g. Leading and Communicating, Delivering at Pace...). These competences are described in the 'COPFS Competency Framework', known to all staff and referred to in all aspects of COPFS career development.

119-2. Please indicate the criteria used for the promotion of a prosecutor:

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

5.1.3.Mandate and retirement of judges and prosecutors

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

- Yes, please indicate the compulsory retirement age:70
- No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

121-1. Can a judge be transferred to another court without his/her consent:

- For disciplinary reasons
- For organisational reasons
- For other reasons (please specify modalities and safeguards):
- No

Comments

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

- Yes, duration of the probation period (in years):
- No

Comments

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

- Yes, please indicate the compulsory retirement age:see comments
- No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Yes - but no compulsory age retirement. Exceptions include dismissal related to capability (health or performance) and disciplinary sanction.

124. Is there a probation period for public prosecutors? If yes, how long is this period?

- Yes, duration of the probation period (in years):0.5
- No

Comments 6 months

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

[]

[] NA

[X] NAP

Comments

125-1. Is it renewable?

() Yes

() No

[X] NAP

Comments

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)?

[]

[] NA

[X] NAP

Comments It is for an undetermined time, as there is no compulsory age retirement. Exceptions include dismissal related to capability (health or performance) and disciplinary sanction.

126-1. Is it renewable?

() Yes

() No

[X] NAP

Comments

E1. Please indicate the sources for answering the questions in this chapter:

Sources: SCTS / COPFS

5.2. Training

5.2.1. Training of judges

127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in the court)	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No

In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for management functions of the court (e.g. court president)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for the use of computer facilities in courts	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training on ethics	(X) Yes () No	() Yes (X) No	() Yes (X) No

Comments

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

	Frequency of the judges training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for management functions of the court (e.g. court president)	<input type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input checked="" type="checkbox"/> No training proposed
In-service training for the use of computer facilities in courts	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on ethics	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges: The Judicial Institute for Scotland was formed on 1 January 2013 and implements the training objectives agreed by the governing body under the overall supervision of the Lord President. Training covers a variety of relevant, topical courses on specific subjects, including topics such as sentencing, criminal law, family law and private law.

Emphasis is also placed on bench-specific skills, including court and case management. The Judicial Institute has developed specific training modules in relation to domestic abuse; diversity awareness; equal treatment; and judicial ethics in public life.

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors:

Compulsory	Optional	No training proposed
------------	----------	----------------------

Initial training	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for management functions (e.g. Head of prosecution office, manager)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for the use of computer facilities in office	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training on ethics	() Yes (X) No	(X) Yes () No	() Yes (X) No

Comments

130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
General in-service training	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for management functions (e.g. Head of prosecution office, manager)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in office	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training on ethics	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: 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. In these ways, training is provided regularly.

131. Do you have public training institutions for judges and / or prosecutors?

Initial training only	Continuous training only	Initial and continuous training
------------------------------	---------------------------------	--

One institution for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
One single institution for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments The Lord Presdeint delegates responsibility for Judicial Training to the Judicial Institute.

131-0. If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
One institution for judges	185 965 <input type="checkbox"/> NA <input type="checkbox"/> NAP
One institution for prosecutors	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
One single institution for both judges and prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments One institution for Judges = £166800x1.1149=185965EUR

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. For prosecutors - Classroom based, practical exercises and e-learning.

131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff

	Number of training courses in days organised, without e-learning	Online training courses available during the reference year (e-learning)
Total	306 <input type="checkbox"/> NA <input type="checkbox"/> NAP	44 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Only for judges	44 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Only for prosecutors	139 <input type="checkbox"/> NA <input type="checkbox"/> NAP	29 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Only for other non-judge staff	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

4. Only for other non-prosecutor staff	51 [] NA [] NAP	[] NA [X] NAP
5. Other common training	72 [] NA [] NAP	15 [] NA [] NAP

Comments: COPFS comments: (2) only for prosecutors - There are 29 subject matter e-learning offers -some containing up to 8 modules;
(5) other common training - There are 15 e-learning offers that are mandatory for all staff;

The "common training" refers to courses that both prosecutors and non prosecutor staff attained, such as Sexual Offences and Domestic Abuse. It also includes courses designed for non -prosecutors that prosecutors can attend.

E2. Please indicate the sources for answering the questions in this chapter:

Sources: <http://www.scotland-judiciary.org.uk/60/0/JSC-Publications>
The Scottish Prosecution College, Legal House, Glasgow

5.3.Practice of the profession

5.3.1.Salaries and benefits of judges and prosecutors

132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	153 341 [] NA [] NAP	[X] NA [] NAP	137 538 [] NA [] NAP	[X] NA [] NAP
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)	235 106 [] NA [] NAP	[X] NA [] NAP	210 876 [] NA [] NAP	[X] NA [] NAP
Public prosecutor at the beginning of his/her career	35 258 [] NA [] NAP	[X] NA [] NAP	31 624 [] NA [] NAP	[X] NA [] NAP
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 Attorney General).	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments Lord President: £229,592 Lord Justice Clerk: £221,757 Senator (Inner House): £210,876 Senator (Outer House): £185,197
Sheriff Principal: £148,526 Sheriff: £137,538 Summary Sheriff £110,335

133. Do judges and public prosecutors have additional benefits?

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

Comments

134. If “other financial benefit”, please specify:

[X] NAP

135. Can judges combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	() Yes (X) No	(X) Yes () No
Research and publication	(X) Yes () No	() Yes (X) No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	() Yes (X) No	() Yes (X) No
Political function	() Yes (X) No	() Yes (X) No
Mediator	() Yes (X) No	() Yes (X) No
Other function	() Yes (X) No	() Yes (X) No

Comments - 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/activities?

	With remuneration	Without remuneration
Teaching	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Research and publication	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Arbitrator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Consultant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cultural function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mediator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify:

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

Yes

No

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

5.3.2 Body/institution of ethics

138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

Yes

No

Comments

138-1. If yes, how is this institution / body formed

only by judges

by judges and other legal professionals

other, please specify:

Comments The Judicial Council for Scotland was established by the Lord President in January 2007. It is a body whose membership is drawn from all categories of judicial office holder in Scotland.

The purpose of the Council is to provide information and advice to the Lord President of the Court of Session and the judiciary of

138-2. Are the opinions of this institution / body publicly available?

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

NAP

138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Yes

No

Comments

138-4. If yes, how is this institution / body formed

only by prosecutors

by prosecutors and other legal professionals

other, please specify:

Comments

138-5. Are the opinions of this institution / body publicly available?

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

NAP

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court or body

Ombudsman

Parliament

Executive power (please specify):

Other (please specify):see comments box

This is not possible

Comments

141. Who is 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 (High Judicial Council)

Disciplinary court or body

Ombudsman

Professional body

Executive power (please specify):

Other (please specify):

This is not possible

Comments

142. Which authority has disciplinary power over judges? (multiple options possible)

Court

Higher Court / Supreme Court

High Judicial Council

Disciplinary court or body

Ombudsman

Parliament

Executive power (please specify):

Other (please specify):see comment box

Comments

143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

Supreme Court

Head of the organisational unit or hierarchical superior

Prosecutor General /State public prosecutor

Public prosecutorial Council (High Judicial Council)

Disciplinary court or body

Ombudsman

Professional body

Executive power (please specify):

Other (please specify):

5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Judges	Prosecutors
Total number (1+2+3+4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: Judicial Office of Scotland:

During the period of 1 September 2017 to 31 August 2018; 97 complaints were concluded under the complaints Rules. 76 complaints were dismissed by the Judicial Office as being about a judicial decision. 15 complaints were dismissed by the disciplinary judge. 4 were sent to investigation, 3 out of the 4 were investigated and subsequently reported to be unsubstantiated. The remaining complaint was investigated and reported to be substantiated and the Lord President issued that judicial office holder with a formal warning. 1 complaint was withdrawn by the complainer. 1 complaint was dismissed because the the judicial office holder ceased to hold office. Full complaints report for this period is on our website under ""publications"" - www.scotland-judiciary.org.uk "

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
Total number (total 1 to 10)	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

4. Fine	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Temporary reduction of salary	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
6. Position downgrade	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
7. Transfer to another geographical (court) location	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
8. Resignation	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
9. Other	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
10. Dismissal	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. Judges comment: FORMAL WARNING

E3. Please indicate the sources for answering questions 144 and 145:

Sources: 144 - Judicial Office for Scotland; 145 - Crown Office and Procurator Fiscal Service

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	11 727 <input type="checkbox"/> NA	5 207 <input type="checkbox"/> NA	6 520 <input type="checkbox"/> NA

Comments

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

Yes (X)

No ()

Comments Legal advisers include in-house lawyers, which are as members but who are often not members of bar associations (ie regulated professionals) in EU countries.

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

[3 406]

[] NA

[] NAP

Comments that is the number of in-house members however there is nothing to prevent them appearing in court

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

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	[]	[]	[X]
Dismissal cases	[]	[]	[X]
Criminal cases – Defendant	[]	[]	[X]
Criminal cases – Victim	[]	[]	[X]
Administrative cases	[]	[]	[X]

[] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' monopoly: In Scotland it is possible for individuals to conduct their own cases without the use of a solicitor both in civil and criminal cases. In Scotland, there are, however, a number of exceptions for example (but not limited to):

- victims are not a party to criminal proceedings;
- in criminal proceedings, an accused person may not conduct their own case where a witness is to give evidence in certain types of cases such as sexual offences, where a child under 12 is to give evidence in certain proceedings and cases involving other vulnerable witnesses (see sections 288C, 288E and 288F of the Criminal Procedure (Scotland) Act 1995;

149-0. If there is no monopoly, please specify the organisations or persons that may represent a client in court:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	() Yes (X) No	() Yes (X) No	() Yes (X) No
Family member	() Yes (X) No	() Yes (X) No	() Yes (X) No
Self-representation	(X) Yes () No	(X) Yes () No	() Yes (X) No
Trade union	(X) Yes () No	(X) Yes () No	() Yes (X) No
Other	(X) Yes () No	(X) Yes () No	() Yes (X) No

Comments - If "other", please specify. In addition, please specify for the categories mentioned the types of cases concerned by this/these

representation(s): In Scotland there are a number of legislative provisions which may allow parties to be represented by persons other than a solicitor in civil proceedings – known as “lay representatives”. For example, but not limited to:

Part 2 of the Act of Sederunt (Simple Procedure) 2016 SSI 2016/200

Chapter 1A of the Ordinary Cause Rules 1993

Chapter 1A of the Summary Applications, Statutory Applications and Appeals Rules 1999

Chapter 12B of the Court of Session Rules 1994

Act of Sederunt (Lay Representation for Non-Natural Persons) 2016 – “Non-natural person” means: a company (whether incorporated in the United Kingdom or elsewhere), a limited liability partnership, any other partnership, an unincorporated association of persons (see section 95 of the Courts Reform (Scotland) Act 2014)

Lay representatives may be family members or for example, a Citizens Advice worker or an accredited debt specialist from another agency. Self-representation in civil cases is also permitted.

Criminal:

In criminal proceedings, a person may represent themselves or alternatively be legally represented by a solicitor (subject to any exceptions such as that set out under Q149 above).

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- [X] Notarial activity
- [X] Arbitration / mediation
- [X] Proxy / representation
- [X] Property manager
- [X] Real estate agent
- [] Other law activities (please specify):

Comments

149-2. What are the statuses for exercising the profession of lawyer?

- [X] Self-employed lawyer
- [X] Staff lawyer
- [X] In-house lawyer

Comments

150. Is the lawyer profession organised through:

- [X] a national bar association
- [] a regional bar association
- [] a local bar association

Comments

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

- (X) Yes
- () No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

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

- (X) Yes

No

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

Comments - If yes, please specify: accredited specialisation scheme in a number of practice areas for solicitors who have gained enough experience; solicitor advocate qualification (to acquire higher rights of audience)

F1. Please indicate the sources for answering questions 146 and 148:

Sources: Law Society of Scotland

6.1.2. Practicing the profession

154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

Yes

No

Comments

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

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

Comments

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

Comments - If yes, what are the quality criteria used?

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

- the bar association
- the Parliament
- other (please specify):

Comments solicitors are subject to regulation from many sources, including the Financial Conduct Authority for incidental financial business and the Scottish Legal Aid Board for legal aid work

159. Is it possible to file a complaint about:

- the performance of lawyers
- the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

- a judge
- Ministry of Justice
- a professional authority
- other (please specify):

Comments Law Society of Scotland and Scottish Legal Complaints Commission (SLCC)

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: SLCC (Scottish legal complain commission):

The SLCC will hold data on professional inadequacy - this is the starting point for all complaints. SLCC categorise accepted eligible complaints as being about:

- a) the professional services provide a by a firm or individual (which we will investigate), OR;
- b) individual conduct (which the Law Society of Scotland or Faculty of Advocates will investigate).

The Law Society of Scotland and Scottish Solicitors Discipline Tribunal:

There are two different levels of conduct discipline – unsatisfactory professional conduct, is decided on by the Law Society of Scotland.

The higher level, professional misconduct, is decided by the Scottish Solicitors Discipline Tribunal (after a decision by the Law Society of

Scotland to take a case to there).

According to the SSDT, criminal offences can be the basis of complaints to the Tribunal in two ways. Under section 53(1)(b) of the Solicitors (Scotland) Act 1980, a solicitor convicted by any court of an act involving dishonesty or fined an amount equivalent to level four or sentenced to 12 months imprisonment or more, can appear before the Tribunal as a result of his/her conviction. Criminal conduct can also be the basis for a complaint of professional misconduct under s53(1)(a) of the same act, or could be the basis of a finding of UPC (SSDT publishes report containing data on the types of cases they deal with - <https://www.ssd.org.uk/reports/>) Some of the disciplinary proceedings can be carried out by the Solicitors Regulation Authority/Bar Standard Board as well as Legal Ombudsman under professional inadequacy.

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	97 [] NA [] NAP
1. Reprimand	24 [] NA [] NAP
2. Suspension	0 [] NA [] NAP
3. Withdrawal from cases	[X] NA [] NAP
4. Fine	12 [] NA [] NAP
5. Other	8 [] NA [] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. In addition to censure (reprimand) there is censure + compensation (21); censure + training order (3); censure + restriction placed on practice (3)

7. Court related mediation and other alternative Dispute Resolution

7.1 Court related mediation

7.1.1 Details on court related mediation

163. Does the judicial system provide for court-related mediation procedures?

(X) Yes

() No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

[] Before/instead of going to court

[X] Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

[] No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned:

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

164. Please specify, by type of cases, who provides court-related mediation services:

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Family cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Labour cases including employment dismissals	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Criminal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Consumer cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments Criminal Cases completed by the Criminal Law, Practice and Licencing unit (Scottish Gov.)

Civil/Commercial and Admin completed by the Courts, Judicial Appointments Policy (Scottish Gov.)

Family Law completed by Family and Property Law (Scottish Gov.)

165. Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

Yes

No

NAP

Comments - If yes, please specify (only one or both options):: Mediation is covered by the Legal Aid Fund 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). 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. 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, 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, he/she 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 it is possible to 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. Scottish Government funding: Scottish Government provides core funding for Relationship Scotland, as well as support for local RS affiliated mediation groups. These also receive funding from local authorities. Scottish Government also provides core funding for the Scottish Mediation Network, one of whose services is a Telephone Helpline which provides a referral service to mediators for people seeking to resolve disputes either before or after they enter the court process. The Scottish Government also funds SACRO to provide a Community Mediation Service to deal with neighbourhood disputes.

166. Number of accredited or registered mediators for court-related mediation:

	Total	Males	Females
Number of mediators	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

167. Number of court-related mediations:

	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
Total (1 + 2 + 3 + 4 + 5 + 6)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Civil and commercial cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Family cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Administrative cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. Labour cases including employment dismissal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
5. Criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
6. Consumer cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please indicate the source:

168. Do the following alternative dispute resolution (ADR) methods exist in your country?

- Mediation other than court-related mediation
- Arbitration
- Conciliation (if different from mediation)
- Other ADR (please specify):

Comments

G1. Please indicate the source for answering question 166:

Source: SLAB / Access to Justice (SG)

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

Comments

170. Number of enforcement agents

	Total	Male	Female
Number of enforcement agents	157 <input type="checkbox"/> NA	141 <input type="checkbox"/> NA	16 <input type="checkbox"/> NA

Comments

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

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

Comments - Please specify their status and powers: Enforcement agents are Messengers-at-Arms and Sheriff Officers. All Messengers-at-Arms are also Sheriff Officers. They are authorised to serve court process and carry out enforcement action authorised by court judgments. Messengers-at-Arms are authorised to undertake instructions for higher courts (Court of Session) and Sheriff Officers lower courts (Sheriff Courts)

171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with:

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of immovable properties	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments

171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

Service of judicial and extrajudicial documents

Debt recovery

Voluntary sale of moveable or immoveable property at public auction

- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

172. Is there a specific initial training or exam to become an enforcement agent?

- Yes
- No

Comments

172-1. Is there a system of mandatory general continuous training for enforcement agents?

- Yes
- No

Comments

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

- a national body
- a regional body
- a local body
- NAP

Comments

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

- Yes
- No

Comments

175. Are enforcement fees freely negotiated?

- Yes
- No

Comments

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

Yes

No

Comments Fees are regulated by regulations made by the court and approved by parliament. For Messengers-at-Arms they are regulated by Act of Sederunt Fees of Messengers-at-Arms (No 2) 2002 as amended and for Sheriff Officers Act of Sederunt Fees of Sheriff Officers (No 2) 2002 as amended.

H0. Please indicate the sources for answering question 170

Source: The Society of Messengers at Arms & Sheriff Officers

8.1.2. Efficiency of enforcement services

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

Yes

No

Comments

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

professional body

judge

Ministry of Justice

public prosecutor

other (please specify):

Comments

179. Have quality standards been determined for enforcement agents?

Yes

No

Comments - If yes, what are the quality criteria used? Standards are determined by rules made by the court and ministers and approved by parliament. The professional body also provides a code of practice which is approved by the Lord President of the Court of Session (Scotland's senior judge).

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

professional body

judge

Ministry of Justice

other (please specify):

Comments

181. Is there a specific mechanism for executing court decisions rendered against public

authorities, including supervising such execution?

Yes

No

Comments - If yes, please specify:

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

Yes

No

Comments - If yes, please specify: Quarterly statistics by all enforcement agents are required by legislation to be submitted to the Accountant in Bankruptcy (a government agency). In addition certain enforcement procedures are required to be reported to the appropriate court when completed.

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 (please specify): The vast majority of complaints received are not in relation to the enforcement agents conduct but in respect of the complainers non payment of local taxation.

Comments

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

Yes

No

Comments - If yes, please specify:

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

	Existence of the system
for civil cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

186. Regarding a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more (please specify):
- NA

Comments

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	2 [] NA [] NAP
1. For breach of professional ethics	0 [] NA [] NAP
2. For professional inadequacy	0 [] NA [] NAP
3. For criminal offence	0 [] NA [] NAP
4. Other	2 [] NA [] NAP

Comments - If "other", please specify: Failure to submit statistical information required by legislation.

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	[X] NA [] NAP
1. Reprimand	[X] NA [] NAP
2. Suspension	[X] NA [] NAP
3. Withdrawal from cases	[X] NA [] NAP

4. Fine	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: No sanctions imposed

H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: The designated professional association - The Society of Messengers-at-Arms and Sheriff Officers

8.2.Execution of decisions in criminal matters

8.2.1.Functioning of execution in criminal matters

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):

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

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

- Yes
- No

Comments

191. If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%

Comments - Please indicate the source for answering this question:

9.Notaries

9.1.Profession of notary

9.1.1.Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question

	Total	Male	Female
TOTAL (1+2+3+4)	8 886 [] NA [] NAP	4 226 [] NA [] NAP	4 660 [] NA [] NAP
1. Private professionals (without control from public authorities)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Professionals appointed by the State	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Public officials	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other	8 886 [] NA [] NAP	4 226 [] NA [] NAP	4 660 [] NA [] NAP

Comments - If "other", please specify the status: All practising solicitors can apply to be admitted as a notary public - it is not a separate profession. Therefore the status of notaries is the same as the status of the individual solicitor.

192-1. What are the access conditions to the profession of notary (multiple options possible):

- diploma
- professional experience/professional training
- exam
- appointment procedure by the State
- other (please specify):

Comments payment of a fee (once the individual has undertaken the necessary education & training to become a solicitor)

192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- yes, please indicate the age of retirement:65
- no, please specify the duration of the appointment:

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: 65 (but can work longer than that)

194. What kind of activities do notaries perform (multiple options possible):

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths

Other, for example collect taxes, keep registers etc. (please specify):<https://www.lawscot.org.uk/members/membership-and-fees/practising-certificate-holders/notary-public/>

194-1. Do notaries have the exclusive rights when exercising their profession:

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify):see the comment box below

Comments - Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or on the opposite regarding the competition they have to deal with: In Scotland 'notary' is NOT a separate profession. Only practising solicitors may apply to be admitted as a notary public. The appointment lasts for as long as they practise.

194-2. In which areas of law do notaries perform their activities (multiple options possible)?

- Real estate transaction
- Family law
- Succession law
- Company law
- Legality control of gambling activities
- Other

Comments

194-3. Do notaries use specialised digital systems in their activity?

- In establishing authentic instruments
- In recording authentic instruments (archives)
- Other activity (please specify):

Comments

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

- Yes
- No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?

- professional body
- court
- Ministry of Justice
- public prosecutor
- other (please specify):

Comments

196-1. Is there a system of general continuous training for all notaries?

Yes

No

Comments

I1. Please indicate the sources for answering question 192:

Sources: Law Society of Scotland

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1. Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

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

Yes

No

Comments

199. Number of accredited or registered court interpreters:

[]

NA

NAP

Comments

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

Yes

No

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

201. Are the courts responsible for selecting 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, please specify which authority selects court interpreters

Comments

J1. Please indicate the sources for answering question 199

Sources: SCTS

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts

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

experts who are requested by the parties to bring their expertise to support their argumentation,

experts appointed by a court to put their scientific and technical knowledge on issues of fact at the court's disposal,

"legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

Other (please specify):

Comments

202-1. Are there lists or databases of registered judicial experts?

Yes

No

Comments - Please indicate any useful comment regarding these lists or databases of experts, if they do exist (e.g. : Does the expert take an oath? How is his/her skill evaluated? By whom?): there is a list of expert witnesses/professional witnesses and judicial experts directory - <https://www.lawscot.org.uk/members/business-support/expert-witness/>

202-2. Who is responsible for registering judicial experts?

Ministry of justice

Courts

Independent body (association of judicial experts)

Other

Comments The Law Society of Scotland manages the Expert Witness Directory. More at <https://www.lawscot.org.uk/members/business-support/expert-witness/the-checking-process/>

202-3. Is the registration of judicial experts limited in time?

Yes, for how long

No

Comments There is a list of expert witnesses/professional witnesses and judicial experts directory - <https://www.lawscot.org.uk/members/business-support/expert-witness/>

203. Is the title of judicial experts protected?

Yes

No

Comments - If appropriate, please explain the meaning of this protection:

203-1. Does the judicial expert have an obligation of training?

	Obligation of training
Initial training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Continuous training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments Generally speaking, a witness may be deemed to be an expert where:

they are consulted to give an opinion on a matter arising in litigation

they have professional skills or qualifications which make such an opinion valuable, and

they would not have been involved as a witness in the case had one or other of the parties not specifically asked them to give such an opinion.

It is for the solicitor to choose the expert they wish to instruct. They must consider whether they are appropriate for the particular case in question and should identify an expert skilled in the specific field in which the expert evidence is needed. For example, if the case is fairly routine and unexceptional, we would need a very convincing argument to authorise the “foremost expert in his field in Europe”, if he charged more than other experts with sufficient skill to deal with the case. SLAB must be satisfied that it is reasonable in all the circumstances of the case to sanction that expenditure.

203-2. If yes, does this training concern:

judicial proceedings

the profession of expert

other

Comments

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

Yes

No

Comments

204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?

Yes

No

Comments

205. Number of accredited or registered judicial experts:

	Total	Male	Female
Number of experts	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

205-1. Who sets the expert remuneration?

- n/a

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

- () Yes
- (X) No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: Answered by SCTS.

206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

	Number of cases
Total (1+2+3+4)	[X] NA [] NAP
1.Civil and commercial litigious cases	[X] NA [] NAP
2.Administrative cases	[X] NA [] NAP
3.Criminal cases	[X] NA [] NAP
4.Other cases	[X] NA [] NAP

Comments

207. Are the courts responsible for selecting 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
- [X] No, please specify which authority selects judicial experts: Judicial experts are selected by parties.

Comments: Judicial experts are selected by parties. - answered by SCTS.

207-1. Does the judge control the progress of the expertise?

() Yes

(X) No

Comments Judicial experts are selected by parties. Experts do not have to be authorised by the court.

K1. Please indicate the sources for answering question 205

Sources: SCTS

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.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. Have innovative projects been implemented? If possible, please observe the following categories:

1. (Comprehensive) reform plans Justice in Scotland: vision and priorities - <https://www.gov.scot/publications/justice-scotland-vision-priorities/>;
Bills for introduction in 2019-20 - <https://www.gov.scot/programme-for-government/>
Current bills in the Scottish Parliament with a justice theme - <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/576.aspx>;

2. Budget n/a

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) The Courts Reform (Scotland) Act 2014 delivered the main planks of Lord Gill’s recommendations to modernise the courts by ensuring that business was conducted efficiently and heard in the right forum. To that end, we have witnessed the new Sheriff Appeal Court successfully introduced and the new judicial office of summary sheriff. A specialist court for personal injuries has provided dedicated expertise for that specialty as well as freeing up time in the Court of Session. A new simple procedure designed to be more accessible to party litigants has largely replaced small claims and summary cause with the final phase of simple procedure to follow once a review of the rules for the first phase is complete.
In addition, the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 took forward reforms to court proceedings recommended by Sheriff Principal Taylor’s Review of Expenses and Funding of Civil Litigation in Scotland to ensure that civil justice

is more affordable, predictable and accessible. The Act provides for greater funding equity between claimants and defenders in personal injury actions, and will create a fairer, more accessible and affordable civil justice system for members of the Scottish public seeking redress through our courts. Full implementation of the Act is likely to take place over a number of years, but Part 3 on auditors of court was commenced in January 2019, and Part 2 on success fee agreements should be brought into force towards the end of April 2020. New court rules are being developed which will allow the introduction, in due course, of group proceedings.

Further, the Scottish Courts and Tribunals Service is working on the development of information technology which will assist court users in the future.

Tribunal Reform in Scotland

The introduction of the Tribunals (Scotland) Act 2014 (“the 2014 Act”) created a simple two tier structure (First-tier Tribunal and Upper Tribunal) known as the Scottish Tribunals. This wholly new system provides a formalised and cohesive structure while maintaining the specialised nature of each Tribunal. The 2014 Act provided for the creation of office of the President of Scottish Tribunals ensuring strong cohesion and continuity across both tiers, strong structural identity within the justice system, efficient disposal of business with the views and wellbeing of members taken into account.

The Housing and Property Chamber of the First-tier Tribunal was established in December 2016. This was swiftly followed by the Tax Chamber in April 2017 followed by the Health & Education and the General Regulatory Chambers in January 2018. Work is well under way to complete the transfer of a number of tribunals, for example, the Parking and Bus Lane Adjudicators, Police Appeals Tribunal and Valuation Appeals Committee, into the Scottish Tribunals structure.

Administration of the new structure is facilitated by the creation of the Scottish Courts and Tribunals Service (SCTS) following the merger of the Scottish Courts Service and the Scottish Tribunals Service. SCTS has also established a completely new tribunals centre which includes a bespoke child friendly orientated area. The new Scottish Tribunals and SCTS structure has increased efficiency, improved performance and procedures all of which has improved the experience for the public, tribunal members and SCTS staff.

3.1. Access to justice and legal aid The Legal Aid Reform in Scotland Consultation opened on 27 June and closed on 19 September 2019. There are 61 responses (18 responses simply endorsed the responses of the Glasgow Bar Association and the Edinburgh Bar Association) with consent provided for 54 to be published on the Scottish Government consultation hub. Officials have completed analysis of the responses and a draft Scottish Government response is with the Minister for Community Safety for consideration and approval for publication. Subject to approval, publication is scheduled for March. This will inform the development of policy instructions for a Legal Aid Reform Bill. The Scottish Women’s Rights Centre, funded by the Scottish Government and the Scottish Legal Aid Board, is at the forefront of improving access to justice offering free legal information and advice to women in Scotland who have or are experiencing gender based violence. It also offers advocacy support to provide a more holistic approach to address women survivors’ needs and facilitate access to justice. <https://www.scottishwomensrightscentre.org.uk/>

4. High Judicial Council n/a

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. The Scottish Government seeks to build consensus as to the way forward with regard to the future of the regulatory framework prior to taking forward legislative change. Accordingly, a working group has been established, attended by the current regulatory bodies, to consider options that may be consulted on along with the primary recommendation from the Robertson Review. It is intended

that a public consultation is published ahead of Summer Recess 2020. This consultation will include a range of options for change and will, in turn, help inform the development of primary legislation.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities In just the last 5 years, we have successfully implemented 7 pieces of legislation that have reformed civil law in Scotland. Four of the Acts have implemented recommendations contained in Scottish Law Commission Reports: - *Legal Writings (Counterparts and Delivery)(Scotland) Act 2015 *Succession (Scotland) Act 2016 *Contract (Third Party Rights) (Scotland) Act 2017 *Prescription (Scotland) Act 2018

Earlier this year we introduced the Defamation and Malicious Publications (Scotland) Bill to the Scottish Parliament, which will simplify and modernise the law in this area and provide a clear framework which balances freedom of expression and protection of individuals' reputations.

We are also committed to publishing the Scottish Government responses to our recent consultations on the laws of succession and on the law in relation to judicial factors in the spring of this year. We are currently carrying out some focussed consultation on the Scottish Law Commission's Report on Moveable Transactions.

7. Enforcement of court decisions n/a

8. Mediation and other ADR The Scottish Government supports t greater use of mediation in the civil justice system, to help people resolve disputes in the most proportionate way whilst retaining the right to access courts. We have set up a dispute resolution delivery group to develop and shape an evidence-based package of reform to the dispute resolution system. This includes representatives from key organisations including Scottish Mediation and the Scottish Courts and Tribunal Service. Before we make any decisions about reform we will run a consultation exercise later in 2020, to gather views from the public, stakeholders and other interested parties on proposals for increasing the consistency and use of mediation. This will help to test key issues such as the financial model as well as how the proposals could work in practice. Our actions come in response to a 2019 review of mediation led by Scottish Mediation. The review was carried out by an expert group led by leading mediators, and represented a wide range of interests. It explored how greater use of mediation might be encouraged within the civil justice system. The proposals are aimed at 'normalising' mediation within the civil justice system and highlight structural and cultural challenges that should be overcome. Our response to the report acknowledged that there are questions that need to be resolved before legislation should be brought forward, which is why we plan to consult on the issues. In the months ahead we will also continue to develop our policy on a collaborative basis with key stakeholders both within a Collaborative Partnership on Dispute Resolution and the Scottish Dispute Resolution Delivery Group.

9. Fight against crime n/a

9.1. Prison system A presumption against short sentences (PASS) was introduced by the Criminal Justice and Licensing (Scotland) Act 2010 and commenced in February 2011. The legislation provides that a court must not pass a custodial sentence of 3 months or less unless it is of the opinion that no other disposal is appropriate. PASS was designed to encourage a reduction in the use of short-term custodial sentences and a related increase in the use of community sentences, which are more effective at reducing reoffending. Of the individuals receiving a custodial sentence, the proportion of those sentences that were of three months or less has fallen from 35% in 2010-11 to 27% in 2017-18. PASS was extended from three months or less to twelve months or less by the Presumption Against Short Periods of Imprisonment (Scotland) Order 2019. Extending the presumption against short prison sentences should encourage greater use of community sentences and help break cycles of reoffending. The extension of PASS has helped fuel a lively debate on both sentencing and managing Scotland's prison population – which is amongst the highest per capita prison population in Western Europe.

9.2 Child friendly justice Pre-Recording Evidence in Criminal Cases

•The Scottish Government is committed to improving the experience of children and vulnerable witnesses giving evidence in criminal cases. This includes introducing a new legal rule on pre-recording evidence for the most vulnerable witnesses which was set out in the Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019. The first phase of the roll out for this new rule for child witnesses giving evidence in the most serious cases was implemented in the High Court from 20 January 2020. The Scottish Government will now begin to evaluate this first phase alongside considering the next steps for roll out of future phases of this reform.

<https://www.legislation.gov.uk/asp/2019/8/enacted>

<http://www.legislation.gov.uk/ssi/2019/392/made>

The Children (Scotland) Bill was introduced to the Scottish Parliament on 2 September 2019. The Bill was referred to the Justice Committee for Stage 1 scrutiny and is currently under consideration. The Bill has been informed by the outcome of a consultation on the Review of Part 1 of the Children (Scotland) Act 1995 (the 1995 Act). Part 1 of the 1995 Act covers parental responsibilities and rights and contact and residence cases relating to children when parents are no longer together. The key policy aims of the Bill are to:

- Ensure that the child's best interests are at the centre of any contact and residence case or Children's Hearing;
- Ensure that the views of the child are heard;
- Ensure further compliance with the principles of the United Nations Convention on the Rights of the Child; and
- Further protect victims of domestic abuse and their children in family court proceedings.

The Bill covers a range of areas. The key areas of the Bill are:

- Encouraging the views of younger children to be heard by decision makers in some circumstances;
- Establishing a register of Child Welfare Reporters and curators ad litem;
- Regulating child contact centres;
- Protecting victims of domestic abuse by prohibiting personal contact of a case in certain circumstances and authorising special measures to be used in family court cases; and
- Promoting of contact between looked after children and siblings.

We recognise that primary legislation is only part of the action necessary to improve the operation of family justice. A Family Justice Modernisation Strategy was published on 3 September 2019 at the same time as the Bill. This sets out work that is ongoing by Scottish Government and others; work that can be done via secondary legislation or by improved guidance; areas covered by the Bill; and areas that are for longer term work. It includes the PFG commitment to keep siblings together where it is in their best interests.

The key areas covered by the Family Justice Modernisation Strategy are:

- oGuidance for parties and children on attending court;
- oFurther work to protect victims of domestic abuse;
- oGuidance on mediation and alternative dispute resolution;
- oFurther work on court procedure; and
- oPrioritisation of sibling relationships for children in care.

We are exploring how the Barnahus concept for immediate trauma-informed support for child victims of serious and traumatic crimes could be applied within the context of Scotland's healthcare and criminal justice system:

http://www.healthcareimprovementscotland.org/our_work/standards_and_guidelines/stnds/barnahus_standards.aspx The Domestic Abuse (Scotland) Act 2018 came into effect on Monday 1 April 2019. The new Act reflects the fact that children are harmed by domestic abuse by providing for a statutory aggravation in relation to children and places a duty on courts in all domestic abuse cases to consider imposing a non-harassment order to protect the victim. The Act also enables the court for the first time to use a Non-Harassment Order to protect children as well as the adult victim of the offence.

<http://www.legislation.gov.uk/asp/2018/5/contents/enacted>

A Bill to incorporate the United Nations Convention on the Rights of the Child will be introduced later this year. This Bill will take a maximalist approach to incorporation. It will seek to incorporate in full and directly – using the language of the Convention – in every case possible. This approach will mean that the Convention is directly built into Scots law and children and young people will be able to use the courts to enforce their rights.

9.3. Violence against partners The new Domestic Abuse (Scotland) Act 2018 reflects the full spectrum of abuse that victims may suffer at the hands of a partner, covering not just physical abuse but also other forms of psychological abuse and coercive and controlling behaviour. The Act creates a “course of conduct” offence for the first time – enabling physical, psychological and controlling behaviour to be prosecuted at once. <http://www.legislation.gov.uk/asp/2018/5/contents/enacted>

10. New information and communication technologies n/a

11. Other Scottish Jury System

- The Scottish Government commissioned independent jury research to seek evidence on how the three unique elements of the Scottish jury system may interact.

- This project included mock jury research which was the largest and most realistic of its kind ever undertaken in the UK. The research findings were published in October 2019, and the Scottish Government is currently engaging in serious discussions on all of these findings including whether there should be a move to a two verdict system. There is an open mind on what, if any, future reforms may be required as the Scottish Government does not want to pre-judge the outcome of those conversations. In considering any potential future package of reforms it will be important to consider the unique Scottish criminal justice system in the round.

<https://www.gov.scot/publications/scottish-jury-research-findings-large-mock-jury-study-2/>

Victims Taskforce

- The Cabinet Secretary for Justice has established a Victims Taskforce which he co-chairs with the Lord Advocate. •The Taskforce is working to improve support, advice and information for victims of crime as they interact with the justice system. A key area of work being progressed by the Taskforce is to develop a new victim-centred approach. This involves collaboration across the justice system and direct engagement with victims, witnesses and their families.

- Further information on the Taskforce, including full membership and a work plan can be found at

<https://www.gov.scot/groups/victims-taskforce/>

Restorative Justice

- Restorative justice is a process of independent, facilitated contact, which supports constructive dialogue between a victim and a person who has harmed (whether this be an adult, a child, a young person or a representative of a corporate or other body) arising from

an offence or alleged offence.

•The Scottish Government is committed to having restorative justice services widely available across Scotland by 2023 with the interests of victims at their heart. A Restorative Justice Action Plan was published in June 2019 setting out how this commitment will be delivered. •The Action Plan also sets out a vision that 'Restorative Justice is available across Scotland to all those who wish to access it, and at a time that is appropriate to the people and case involved. Approaches taken must be consistent, evidence-led, trauma informed and of a high standard. This seeks to ensure the needs of persons harmed and their voices are central, and supports a reduction in harmful behaviour across our communities.'