



Reference data 2020 (01/01/2020 - 31/12/2020)

Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021

Objective :

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 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. 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

1.1.1Inhabitants and economic general information



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

[5 466 000]

Comments Source - NRS, Mid-year population estimates, Scotland 2020 - <https://www.nrscotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2020>



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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)	99 368 470 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments £89,372 million - <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>
Increased spend on Enterprise and economic development and Health.



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

[31 481]

Comments Annual onshore GDP is estimated to have been £154.9 billion in total, or £28,314 per person.

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

[35 140]

NA

Comments In April 2020 the typical salary for full-time employees in Scotland was £31,605 - source:
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2020>

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

[0.8994]

Allow decimals : 5

NAP

Comments £1 = €1.111852346; Daily spot exchange rates against Sterling (31/12/2020). Bank of England website.

A1. Please indicate the sources for answering the questions in this part

Sources: <https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2021/08/gdp-quarterly-national-accounts-2021-q1/documents/gdp-quarterly-national-accounts-2021-quarter-1---publication/gdp-quarterly-national-accounts-2021-quarter-1---publication/govscot%3Adocument/GDP%2BQNAS%2B-%2B2021%2BQ1%2B-%2BPublication.pdf>

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/bulletins/annualsurveyofhoursandearnings/2020>

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 budget of public prosecution services and/or the one allocated to legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to 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)	171 659 000 [] NA [] NAP	162 622 000 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	[X] NA [] NAP	[X] NA [] NAP
2. Annual public budget allocated to computerisation (2.1 + 2.2)	[X] NA [] NAP	[X] NA [] NAP
2.1 Investments in computerisation	[X] NA [] NAP	[X] NA [] NAP
2.2 Maintenance of the IT equipment of courts	[X] NA [] NAP	[X] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	[X] NA [] NAP	[X] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	[X] NA [] NAP	[X] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	[X] NA [] NAP	[X] NA [] NAP
6. Annual public budget allocated to training	[X] NA [] NAP	[X] NA [] NAP
7. Other (please specify)	[X] NA [] NAP	[X] 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:

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 the one allocated to legal aid, please fill in 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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Total annual public budget allocated to all courts and legal aid together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> 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

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:



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

	Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ?
for criminal cases	<input type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input checked="" type="checkbox"/> No
for other than criminal cases	<input type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input checked="" type="checkbox"/> No

If there are exceptions to the obligation to pay these court fees, could you please provide comments on those exceptions? Fees payable for various civil applications are set in Statutory Instruments, which are updated periodically by Parliament, on the recommendation of Scottish Ministers

Exemptions apply to the payment of civil court fees, where the individual is in receipt of certain means-tested benefits or is in receipt of civil legal aid.

Details of exemptions are provided on the Scottish Courts & Tribunals Service web site: www.scotcourts.gov.uk

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

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

[33 009 000]

[] NA

[] NAP

Comments £29,688k

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)	152 212 587 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.1 for cases brought to court (court fees and/or legal representation)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments Legal Aid, Budget Allocation £136.9m - <https://www.gov.scot/publications/2020-21-spring-budget-revision/pages/7/> Note: Legal Aid in Scotland is demand led and therefore is not a capped budget unlike some 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)	110 281 299 [] NA [] NAP	57 635 090 [] NA [] NAP	52 646 209 [] NA [] NAP
12-1.1 for cases brought to court (court fees and/or legal representation)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] 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: 2020-21 expenditure of the Legal Aid Fund; <https://www.slab.org.uk/app/uploads/2021/12/SLAB-Annual-Report-and-Accounts-2020-21.pdf> Total £99,187k of which Criminal £51,873k; remainder £47,350k

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012-2. Does legal aid include:

	Legal aid includes:
Coverage of court fees	() Yes (X) No [] NAP

Exemption from court fees	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
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Comments

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012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:

	Amount calculated/estimated included
Coverage of court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Exemption from court fees	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

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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)	189 459 640 [] NA [] NAP	192 795 197 [] NA [] NAP
13.1. Annual public budget allocated to training of public prosecution services	[X] NA [] NAP	229 042 [] NA [] 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 available for 2020-21 (the data relate to the financial year which lasts from 1 April to 31 March).

The increase was due to increased demand and expenditure including inflationary rises on staffing.

The approved budget figure includes Capital of £8,300,000. The overspend was for case related expenditure.

The training budget, as per our accounts, is £206,000 (EUR 229,042) 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.

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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
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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

Comments - If "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.

014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please select maximum three main criteria of allocation

	Criteria used	Main criteria
Previous years' budget costs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Special needs assessment	<input type="checkbox"/>	<input type="checkbox"/>
Number of judges/non judges' staff	<input type="checkbox"/>	<input type="checkbox"/>
Number of incoming cases	<input type="checkbox"/>	<input type="checkbox"/>
Number of pending cases	<input type="checkbox"/>	<input type="checkbox"/>
Number of resolved cases	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments - If "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. Who is entrusted with responsibilities related to the budget within a first instance 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
Court President and/or judge(s)	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Head of court administration and/or non-judges	() Yes (X) No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP
Mixed body (judge(s) and non-judge(s))	() Yes (X) No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP
Other	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Comments - If "Other", please specify. If the responsibilities are different depending on the type/instance of courts, please answer the question for the first instance court of general jurisdiction and describe the differences in the comment box:

A2. Please indicate the sources for answering the questions in this part

Sources: SCTS

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

Comments - 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 answer/provide this

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

	Included
Courts	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Legal aid	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Public prosecution services	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments we are unable to answer/provide this

015-3. Other budgetary elements

	Included
Prison system	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Probation services	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
High Judicial Council	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
High Prosecutorial Council	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Constitutional court	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Judicial management body	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
State advocacy	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Enforcement services	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Notariat	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Forensic services	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Judicial protection of juveniles	() Yes () No [X] NAP
Functioning of the Ministry of Justice	() Yes () No [X] NAP
Refugees and asylum seekers services	() Yes () No [X] NAP
Immigration Service	() Yes () No [X] NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	() Yes () No [X] NAP
Other	() Yes () No [X] NAP

If "Other", please specify: we are unable to answer/provide this

A3. Please indicate the sources for answering the questions in this part

Sources: we are unable to answer/provide this

1.2. Organisation and management of courts and public prosecution services

015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.

- The Supreme Courts in Scotland are the Court of Session, and the High Court of Justiciary. The High Court also sits as the Court of Criminal Appeal. The Court of Session is the supreme civil court and the High Court is the supreme criminal court. The Lord President is the most senior judge in Scotland and the Lord Justice Clerk is the second most senior judge.

The Court of Session is divided into the Outer House, which normally deals with new civil cases and the Inner House, which deals mostly with civil appeals. The Inner House is separated into the First Division and the Second Division, which are chaired by the Lord President and Lord Justice Clerk respectively, each holding equal authority. These 2 judges have a wide range of responsibilities and, when neither is available to sit in court, an Extra Division is set up and chaired by the next most senior judge.

Below Scotland Supreme Courts are Scotland's sheriff courts and deal with the vast majority of civil and criminal cases. There are 6 different court areas known as sheriffdoms, and a sheriff principal sits as the administrative head of each. Although sheriffs principal can preside over any sheriff court business, they mainly deal with appeals in summary criminal cases and sheriff court civil cases heard in the Sheriff Appeal Court.

In addition to their court work, sheriffs principal are responsible for ensuring the speedy and efficient disposal of business in their sheriffdom. They also have advisory, consultative and ceremonial functions as well as some powers of appointment.

015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.

- There is no separate management of individual public prosecution offices. COPFS is a national organisation organised on a functional basis. The functional structure reflects prosecution specialisms and management is on a functional basis. Staff within individual offices are managed within the functional management structure reflecting their specialism rather than on an individual office basis.

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	<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
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.

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 The Legal Aid System in Scotland - Legal aid in Scotland funds a mixed model of help. The vast majority of legal aid is delivered through solicitors in the private sector on a case by case, on demand basis. It is primarily a system which focuses on enabling broad access to assistance from solicitors in private practice or law centres without there being a cost limit. This means that legislation requires the Scottish Government to provide the funding for all legal aid applications that meet the statutory tests. People seeking legal aid will not have their applications refused because funding is unavailable. SLAB was established in 1987 to manage the legal aid schemes as prescribed in the Act and regulations. SLAB operates the scheme as devised by Government and legislated for by Parliament. SLAB is not a policy making body and the role of setting legal aid policy sits with the Scottish Government. SLAB's policy role at the moment extends only to the application of any discretion we are given by the act and regulations as to their implementation. The legal aid schemes are: - Advice and Assistance (for civil and criminal matters): advice on a matter of Scots law - Civil Legal Aid: This covers costs for representation in court - Criminal Legal Aid: This covers representation or, where appropriate,

counsel's representation in the steps preliminary to or incidental to criminal proceedings. - Advice by Way of Representation (ABWOR): This is a type of advice and assistance which enables representation to be provided but only for the proceedings listed in the Advice and Assistance (Assistance by Way of Representation) (Scotland) Regulations 2003. - Children's Legal Aid: This is a distinct legal aid type in connection with certain proceedings laid down in the Children's Hearings (Scotland) Act 2011. These proceedings can take place in the sheriff court, Sheriff Appeal Court and the Court of Session. They concern cases that have arisen from or that are connected to children's panel proceedings. This type of legal aid is commonly known as children's legal aid and is available to both children and certain adults.

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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
TOTAL	162 154 <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
In criminal cases	97 283 <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
In other than criminal cases	64 871 <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

Comments - Please specify when appropriate: SLAB: These figures are provisional.

SLAB comment March 2022: The reduction in this area is due to a combination of reduced new case volumes and delays in progressing

cases, meaning that we received fewer and lower value accounts than originally anticipated.

A substantial amount of the work we had expected to pay for in 2020/21 was either not undertaken during that period (but has been deferred into a later period), or was undertaken but not billed or paid for. Both of these effects are expected to result in an increase in payments in the coming year as work is undertaken, cases conclude and accounts are submitted and paid. In other words, much of the 2020/21 reduction in payments is actually a timing issue: payments have already increased in the early part of 2021/22 and will continue to do so as ongoing workloads return to pre-covid levels and backlogs begin to be cleared. Further information is available in our 2020/21 Annual Report here: <https://www.slab.org.uk/?download=file&file=23782>

020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:

	Time in days
Maximum duration prescribed in law/regulation	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Actual average duration	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes are envisaged for criminal and other than criminal cases please provide more information: Maximum duration prescribed in law/regulation: There is no maximum duration prescribed in law or regulations. We do have benchmarks on the duration to first decision on an application. For Solemn criminal legal aid this is 5.1 days and for summary it is 10 days. Actual average duration: In 2020-2021 period the average duration for a first decision in summary was 8.6 days and in solemn it was 4.3 days.

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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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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	[] NA [X] NAP	[] NA [X] NAP
Full legal aid to the applicant for other than criminal cases	[] NA [X] NAP	[] NA [X] NAP
Partial legal aid to the applicant for criminal cases	[] NA [X] NAP	[] NA [X] NAP

Partial legal aid to the applicant for other than criminal cases

NA
 NAP

NA
 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)?

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 judge(s) dealing with the main case

another judge or official

an authority external to the court

several authorities (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	() Yes (X) No
in other than criminal cases	(X) Yes () No

Comments - If no, please specify how legal costs are distributed:

B1. Please indicate the sources for answering the questions in this part

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, Judicial Council etc.) where general public may have free-of-charge access to the following:

	Yes, internet adresse(es)	No
Legal texts (e.g. codes, laws, regulations, etc.)	() www.legislation.gov.uk	()
Case-law of the higher court/s	() www.legislation.gov.uk	()
Information about the judicial system (organisation of courts, court proceedings, etc)	() www.scotcourts.gov.uk/coming-to-court/attending-a-court	()
Other documents (e.g. forms, downloadable forms, online registration forms)	() www.legislation.gov.uk	()

Comment - 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 their proceedings?

- () Yes, always
(X) No
() Yes, only in some specific situations

Comment - If "Yes, only in some specific situations", please specify:

030. Is there a public and free-of-charge information system for providing information and facilitating access to justice:

Information system

General for citizens	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
Specific for victims of offences	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No
Specific for minors (child-friendly systems)	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input type="checkbox"/> No

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided. 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
Persons with disabilities	(X) Yes () No	(X) Yes () No	() Yes (X) No
Juvenile offenders	(X) Yes () No	(X) Yes () No	() Yes (X) No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	(X) Yes () No	(X) Yes () No	() Yes (X) No

Comments - If "Other vulnerable person" and/or "Other specific arrangements", please specify:

031-0. If there are special arrangements for minors, what are the settings / tools / facilities /

practises employed to protect them when they participate in judicial proceedings?

- Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)
- Special room in court designated for child-friendly hearings
- Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings
- Special ways to communicate and explain meaning of court decisions
- Interagency/multidisciplinary structure such as “Children's Houses”
- Other, please specify
- NAP

Comment

031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?

	Civil proceedings	Criminal proceedings
Capacity to initiate a proceeding and take other procedural actions in his/her own name	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP
To be a witness	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment - Please specify if you selected answers “Exceptions from the threshold” and “Other”. If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action, type of cases, other).

031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?

	Civil proceedings	Criminal proceedings
Parent/legal guardian	<input type="checkbox"/> Yes, always <input type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes, always <input type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP

Other representative (instead of parent/legal guardian)	<input type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input type="checkbox"/> NAP
--	--	--

Comment

031-3. What are the different criteria for the criminal liability of minors? (multiple replies possible)

- Age threshold(s)
- Capacity for discernment
- Other criteria

Comment

031-3-1. What is the age threshold for the criminal liability of minors?

Criminal liability resulting in sentence without privation of liberty (for example, educational measures)

-
- NA
- NAP

Criminal liability resulting in sentence of privation of liberty

-
- NA
- NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how?

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

- Yes, but only if offender is unknown
- Yes, but only if compensation could not be obtained from offender
- Yes, always
- No

Comment The Criminal Injuries Compensation Scheme provides compensation for victims who have been physically or mentally injured as the result of a violent crime.

032-0. If yes, for what types of offences the compensation is allocated?

- For all types of offences
- For some types of offences
- NAP

Comment - Please specify: The Criminal Injuries Compensation Scheme provides compensation for victims who have been physically or mentally injured as the result of a violent crime.

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

032-0. If yes, for what types of offences the compensation is allocated?

For all types of offences

For some types of offences

[] NAP

Comment - Please specify: The Criminal Injuries Compensation Scheme provides compensation for victims who have been physically or mentally injured as the result of a violent crime.

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

032-0. If yes, for what types of offences the compensation is allocated?

For all types of offences

For some types of offences

[] NAP

Comment - Please specify: The Criminal Injuries Compensation Scheme provides compensation for victims who have been physically or mentally injured as the result of a violent crime.

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

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 to give evidence to the Court e.g. giving evidence with a supporter or by video link.

035-1. Do public prosecutors have a specific role with respect to minor victims (protection and

assistance)?

Yes

No

Comment - If yes, please specify: Prosecutors may apply to the Court for conditions of bail designed to protect a victim who is a minor from an accused person. Prosecutors may apply to the Court for measures to assist a victim who is a minor to 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 answers in this question and question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

Yes

No

NAP

Comment - 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"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Excessive length of proceedings	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Non-execution of court decisions	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful arrest	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful conviction	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comment - Where appropriate, please give details of 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 to measure trust in justice and satisfaction with the services delivered by the judicial system?

National level	Court level
----------------	-------------

Surveys for 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
Surveys for 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
Surveys for 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
Surveys for 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
Surveys for other professionals	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for 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
Surveys for 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
Surveys for 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
Surveys for minors	<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
Surveys for the general public	<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
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

Comment - 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 Court User Satisfaction Survey 2019 and Staff Survey 2020.

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>

039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.

Yes, please specify:criminal proceedings database

No

Comment - If you have additional comments please specify:

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

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	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments

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

	Number of complaints	Compensation amount granted
Court concerned	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Higher court	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Ministry of Justice	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
High Judicial Council	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> 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 - legal entities.

	Number of courts
Total number of all courts - legal entities (1 + 2)	80 [] NA [] NAP
1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)	79 [] NA [] NAP
1.1 First instance courts of general jurisdiction - legal entities	76 [] NA [] NAP
1.2 Second instance courts of general jurisdiction - legal entities	3 [] NA [] NAP
1.3 Highest instance courts of general jurisdiction - legal entities	[] NA [X] NAP
2 Total number of specialised courts - legal entities	1 [] NA [] NAP

Comments SCTS:

- 1.For first instance, we have 39 Sheriff Courts. We have one Sheriff Appeal Court, all Scotland Jurisdiction.
- 2.This links shows where each sheriff court is. <https://www.scotcourts.gov.uk/the-courts/sheriff-court/about-sheriff-courts>
- 3.We have 35 justice of the Peace courts. Details here: <https://www.scotcourts.gov.uk/the-courts/jp-court/about-jp-courts>
- 4.We have one first instance specialised court – which is the All Scotland Personal Injury Court.
- 5.We have the High Court, First Instance and the Court of Session for civil business which is first instance. And we have the Inner House which is the Court of Appeal in the Supreme Courts. That is split into two Divisions, one dealing with Civil Appeals and one dealing with Criminal Appeals.
- 6.So I make it a total of 76 first instance courts. 3 second instance, Courts of Appeal and one specialised court giving you a total of 80.

043. Number of specialised courts – legal entities.

	First instance	Higher instances
Total number of specialised courts - legal entities	1 [] NA [] NAP	[] NA [X] NAP
Commercial courts (excluded insolvency courts)	[] NA [X] NAP	[] NA [X] NAP
Insolvency courts	[] NA [X] NAP	[] NA [X] NAP
Labour courts	[] NA [X] NAP	[] NA [X] NAP
Family courts	[] NA [X] NAP	[] NA [X] NAP

Rent and tenancies courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Enforcement of criminal sanctions courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Internet related disputes	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Administrative courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insurance and / or social welfare courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Military courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Juvenile courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other specialised courts	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "Other specialised courts", please specify:

044. Number of courts - geographic locations.

	Number of courts (geographic locations)
First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)	40 <input type="checkbox"/> NA <input type="checkbox"/> NAP
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)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

=

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

	Number of courts
A small claim	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
An employment dismissal	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

A robbery	39 [] NA [] NAP
An insolvency case	40 [] NA [] NAP

Comments

045-1. Is your definition of a small claim the same as the one in the Explanatory note?

() Yes

(X) No

Comments - If not, please give your definition of a small claim: Small claims 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 £3000. There are some circumstances where this procedure cannot be used, even if the value of the claim is less than £3000; 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:

[5 559]

Comments £5000

C. Please indicate the sources for answering the questions in this part

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 posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	202 [] NA [] NAP	150 [] NA [] NAP	52 [] NA [] NAP
1. Number of first instance professional judges	186 [] NA [] NAP	140 [] NA [] NAP	46 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	16 [] NA [] NAP	10 [] NA [] NAP	6 [] NA [] NAP

3. Number of Supreme Court professional judges	[] NA	[] NA	[] NA
	[X] NAP	[X] NAP	[X] NAP

Comment - Please provide any useful comment for interpreting the data above: JOS: First Instance: Summary Sheriffs (39), Sheriffs (120), Chairman and Members of the Scottish Land Court (4) and Senator at Outer House Level 23). Appellate Level: Sheriffs Principal (6) and Senator (Inner House) (10). 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."

=

046-1-1. Does your system allow part-time work for judges with proportionally reduced remuneration?

(X) Yes

() No

Comments

046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

[] Child-care

[] Elderly care

[X] For the purposes of early retirement

[X] Other reason, please specify: To make long term changes to their sitting pattern

[] Without reason

Comments

046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?

	Total (%)	Male (%)	Females (%)
Total (1 + 2 + 3) (%)	25 [] NA [] NAP	6 [] NA [] NAP	20 [] NA [] NAP
1. At first instance level (%)	25 [] NA [] NAP	6 [] NA [] NAP	20 [] NA [] NAP
2. At second instance (court of appeal) level (%)	0 [] NA [] NAP	0 [] NA [] NAP	0 [] NA [] NAP
3. At Supreme Court level (%)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments

046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time equivalent judge?

() Less than 50%

() 50 – 60%

() 60 - 80%

(X) More than 80%

[] NA

[] NAP

Comments

=

046-2. Number of judges (FTE) by case type:

	Total	Civil and/or commercial	Criminal	Administrative	Other
Total number of judges	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
First instance	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Second instance	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Supreme court	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

If “Other”, please explain which types of cases:

=

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

Comments - If necessary, please provide comments to explain the answer provided:

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 may 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 on 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 / mixed bench
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 civil cases", 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(s) 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 posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1 604 [] NA [] NAP	552 [] NA [] NAP	1 052 [] 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 (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, helping to draft the decisions)	1 372 [] NA [] NAP	434 [] NA [] NAP	938 [] 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)	232 [] NA [] NAP	117 [] NA [] NAP	115 [] NA [] NAP
4. Technical staff	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
5. Other non-judge staff	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] 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 posts actually filled).

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Total non-judge staff working in courts at first instance level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Total non-judge staff working in courts at Supreme Court level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

=

053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal in your judicial system, please specify in which fields 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
- [] Non-litigious cases
- [] Other cases not mentioned (please describe in comment)

[X] 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?

(X) Yes

() No

Comments

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

[] IT services

[] Training of staff

[X] Security

[] Archives

[X] Cleaning

[X] Other types of services (please specify):catering services

Comments

C1. Please indicate the sources for answering the questions in this part

Sources: SCTS

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 posts actually filled, for all types of courts – general jurisdiction and specialised courts).

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	550 [] NA [] NAP	166 [] NA [] NAP	384 [] NA [] NAP
1. Number of prosecutors at first instance level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Number of prosecutors at Supreme Court level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please indicate any useful comment for interpreting the data above: Table indicates staffing position as at 31 December 2020.



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055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?

Yes

No

Comments

055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

Child-care

Elderly care

For the purposes of early retirement

Other reason, please specify:various personal reasons

Without reason

Comments

055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?

	Total (%)	Male (%)	Females (%)
Total (1 + 2 + 3) (%)	23 [] NA [] NAP	8 [] NA [] NAP	29 [] NA [] NAP
1. At first instance level (%)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. At second instance (court of appeal) level (%)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. At Supreme Court level (%)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?

Less than 50%

50 - 60%

60 - 80%

More than 80%

NA

Comments Prosecutors working part-time may work any percentage, depending on the terms of their contract.

056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Number of heads of prosecution offices at first instance level	[X] NA [] NAP	[X] NA [] NAP	[X] 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: COPFS Management chains are not linked to individual offices but to the type of work completed within each office.

COPFS is split into three main functions: Local Court, Serious Casework Group and Operational Support. All functions make use of offices where required resulting in there being no heads of prosecution for a single office as asked for - therefore deemed as NA.

This question is open to interpretation, given COPFS circumstances.

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

() Yes

(X) No

Comments - If yes, please specify their titles 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 prosecutors who are specially trained in areas of domestic violence and sexual violence?

Domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Sexual violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify Details of training – “COPFS offers specialist domestic abuse training courses to staff designed to increase knowledge and understanding of the typologies and dynamics of domestic abuse, the legal and evidential principles engaged in the prosecution of domestic abuse, the impact of abuse on victims and the role of other criminal justice and support agencies working together to tackle domestic abuse. COPFS provides mandatory sexual offences training for all staff involved in the investigation of sexual offences, or those likely to be exposed to that area of work. The training is designed to provide knowledge and understanding of the legal and evidential principles engaged in the prosecution of sexual offences in accordance with COPFS Policy. The training is also designed to provide participants with the requisite skills, knowledge and understanding to undertake investigations in cases involving serious sexual offences and to increase awareness of the impact of sexual crime on victims and children, with input from specialist support agencies.”

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

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	1 199 <input type="checkbox"/> NA	340 <input type="checkbox"/> NA	859 <input type="checkbox"/> NA

Comments Staffing information extract as at 31 December 2020 - FTE.

C2. Please indicate the sources for answering the questions in this part

Sources: COPFS

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) see comment box	()

prosecutors	(X) All recruitment carried out facilitates gender equality. All recruitment boards are gender balanced and applications sent to board are anonymised so that only relevant information is seen by the board - i.e qualifications and competency answers.	()
non-judge staff	(X) ensuring balance of male/female panel members on interviews; annual review of recruitment equality stats	()
lawyers	(X) All recruitment carried out facilitates gender equality. All recruitment boards are gender balanced and applications sent to board are anonymised so that only relevant information is seen by the board - i.e qualifications and competency answers.	()
notaries	(X) All recruitment carried out facilitates gender equality. All recruitment boards are gender balanced and applications sent to board are anonymised so that only relevant information is seen by the board - i.e qualifications and competency answers.	()
enforcement agents	(X) All recruitment carried out facilitates gender equality. All recruitment boards are gender balanced and applications sent to board are anonymised so that only relevant information is seen by the board - i.e qualifications and competency answers.	()

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: Judges: The Judicial Appointments Board for Scotland is responsible for the recruitment of judges and make recommend to Scottish Ministers individuals for appointment. The Board's responsibilities are:

- a) selection of an individual to be recommended for appointment must be solely on merit;
- b) the Board may select an individual only if it is satisfied that the individual is of good character; and
- c) in carrying out its functions, the Board must have regard to the need to encourage diversity in the range of individuals available for selection to be recommended for appointment to a judicial office. This is subject to the provisions a) and b) above.

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

procedures for promoting :

	Yes, please specify	No
judges	(X) All promotion carried out facilitates gender equality. All promotion boards are gender balanced and applications sent to board are anonymised so that only relevant information is seen by the board - i.e qualifications and competency answers.	()
prosecutors	(X) All promotion carried out by COPFS facilitates gender equality. All promotion boards are gender balanced and applications sent to board are anonymised so that only relevant information is seen by the board - i.e qualifications and competency answers.	()
non-judge staff	(X) ensuring balance of male/female panel members on interviews; annual review of recruitment equality stats	()
lawyers	(X) All promotion carried out facilitates gender equality. All promotion boards are gender balanced and applications sent to board are anonymised so that only relevant information is seen by the board - i.e qualifications and competency answers.	()
notaries	(X) All promotion carried out facilitates gender equality. All promotion boards are gender balanced and applications sent to board are anonymised so that only relevant information is seen by the board - i.e qualifications and competency answers.	()

enforcement agents	(X) All promotion carried out facilitates gender equality. All promotion boards are gender balanced and applications sent to board are anonymised so that only relevant information is seen by the board - i.e qualifications and competency answers.	()
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Comments - If the situation changed since the reference year or you have additional comments, please specify:

=

061-3-1. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

	Yes / No
Court president	() Yes If “yes”, please specify:[Comment] (X) No
Head of prosecution services	() Yes If “yes”, please specify:[Comment] (X) No

Comments Court President - it is for the First Minister of Scotland to recommend appointment based on merit and good character.

3.4.2 At national level

061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?

- () Yes
- (X) No

Comments - If the situation changed since the reference year, please indicate in the comments. Could you specify the reference or internet link of this/these document(s) or send/upload 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 promotion of judges	()	(X)
The recruitment of prosecutors	()	(X)
The promotion of prosecutors	()	(X)

The recruitment of non-judge staff	()	(X)
The promotion of non-judge staff	()	(X)

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) deals with gender issues in all different sectors / 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. to 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 - Please specify the details of this person/institution, in particular its titles and function: Judicial Appointments Board for Scotland (JABS).

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 to different positions	()	(X)
Workload distribution	()	(X)
Working hours	()	(X)
Modalities of teleworking and presence in the workspace	()	(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) : -Responsibility for judicial appointment – and the criteria for that – lie elsewhere. The Law Society of Scotland has consistently argued for a more diverse bench and made suggestions over many years on how to do that. One such change would be to change the criteria for appointment.

-The Law Society of Scotland continues to work with the Judicial Appointments Board for Scotland to host events about judicial careers. We have recently worked with some Employment Tribunal Judges to promote judicial careers at a younger age. We collaborate with justice sector stakeholders via a group called the Diversity Steering Group which aims to promote diversity in the judicial profession.

-As for the Society: 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.

As well as this, in 2020 The Society undertook further research regarding gender equality. The output of this can be found here: <https://www.lawscot.org.uk/research-and-policy/equality-and-diversity/genderequalityroundtables/>. This led to the formulation of a two-year gender equality action plan in 2020/21. We are now in the second year of that plan. <https://www.lawscot.org.uk/research-and-policy/equality-and-diversity/research/profile-of-the-profession/>

The Society recently published a major report, and response, on racial inclusion in the profession. All of the documents can be found

here: <https://www.lawscot.org.uk/research-and-policy/equality-and-diversity/racial-inclusion-in-the-scottish-legal-profession/>.

In 2020, the Society undertook diversity data gathering for the first time and will do so every two years:

<https://www.lawscot.org.uk/research-and-policy/equality-and-diversity/research/diversity-data-202021/#:~:text=Key%20findings,come%20from%20a%20BAME%20background.>

are planned (please specify) : These are outlined in the links above. The Society also run an inclusion calendar highlighting major events, commemorations and festivals.

Comments - If the situation changed since reference year, please specify in the comments. no change

NAP

061-10. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

- Recruitment procedures, please specify:
- Appointment to the position of court president, please specify:
- Appointment to the position of head of prosecution services, please specify:
- Promotion procedures and access to the functions of responsibility, please specify:
- Other studies, please specify:

NAP

Comments - Please specify also the reference documents. 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.

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 type="checkbox"/> Defined and coordinated at national level by one institution <input checked="" 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 type="checkbox"/> Governed at national level by one institution <input checked="" type="checkbox"/> Governed at national level by several institutions <input type="checkbox"/> Organised at unit/stakeholder level <input type="checkbox"/> Other

Comments SCTS has it's own IT policies that apply to the whole organisation.

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): SCTS works closely with administrative staff and the judiciary and justice partners in the development of new IT systems, where appropriate.

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"/> No
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"/> No
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"/> No

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

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

- Yes
- No

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

Business processes

Workload

Human resources

Costs

Other, please specify The value to be derived - such as wider efficiencies to the justice system; enhancing access to justice.

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 ?

Yes

No

Comments (please specify in particular if national frameworks of information security exist): Cyber Security+ Accreditation.

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

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.) Data Protection Act. Agreements in place with justice partners regarding sharing of information, ensuring such agreements are inline with legislative requirements.

3.5.3 Centralised databases for decision support

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

Yes

Non

Comments THERE IS A CENTRALISED NATIONAL DATABASE OF COURT DECISIONS (SCTS cannot complete the table, offered an explanation):

SCTS has it's own internal system which records decisions in cases. Statistics are published detailing disposals in cases. In relation to certain cases, written decisions from the Supreme Courts are normally published, while those from the sheriff courts may be published.

These are in relation to cases which involve:

- a matter of principle
- a particular point of general public importance
- an issue of legal significance.

There will be circumstances when a particular decision is not published in the interests of justice.

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
----------------------------	----------------------------	----------------------------	-------------------------	-----------------	---	--

Civil and/or commercial	() Yes all judgements () Yes some judgements () No	() Yes all judgements () Yes some judgements () No	() Yes all judgements () Yes some judgements () No	() Yes () No	() Yes () No	() Yes () No	() Yes () No
Criminal	() Yes all judgements () Yes some judgements () No	() Yes all judgements () Yes some judgements () No	() Yes all judgements () Yes some judgements () No	() Yes () No	() Yes () No	() Yes () No	() Yes () No
Administrative	() Yes all judgements () Yes some judgements () No	() Yes all judgements () Yes some judgements () No	() Yes all judgements () Yes some judgements () No	() Yes () No	() Yes () No	() Yes () No	() Yes () No

Comments - if it exists in other matters please specify

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
- [X] 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 system records decisions and available to staff and judges only.

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

<p>Civil and/or commercial</p>	<p><input type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>
<p>Criminal</p>	<p><input type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>
<p>Administrative</p>	<p><input type="checkbox"/> 100% (all templates are available for all courts of this matter)</p> <p><input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts)</p> <p><input type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts)</p> <p><input type="checkbox"/> 1-9% (just starting to become available or in testing phase)</p> <p><input type="checkbox"/> 0% (NAP) (does not exist at all for this matter)</p> <p><input type="checkbox"/> NA</p>

062-8. Are there voice recording tools?

Yes

No

Comments Dictation software is provided to judges that require/request such software. Recording of court hearings is done where required by legislation.

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

<p>Availability of simple dictation tools</p>	<p>Availability of multiple speakers recording tools</p>	<p>Voice recognition feature</p>
--	---	---

Civil and/or commercial	<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 checked="" 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
Criminal	<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 checked="" 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

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

Comment - If it exists in other matters please specify:

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 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

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 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
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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.

Budgetary and financial monitoring

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 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
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 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
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 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

Other tools of courts management

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 For some civil case types and most criminal.

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 checked="" type="checkbox"/> 10-49% <input 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
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Comments - if it exist in other matters please specify

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 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	<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"/>

Comments

Use of information technologies for improving the quality of the communication between courts and professionals

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)

	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	Availability for
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"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <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	<input type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer

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"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <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	<input type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer
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"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <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	<input type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer

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"/> 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

Comments Data not available

064-9. Are there online processing systems of specialised litigation (small claim 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.

Use of information technologies between courts, professionals and users in the framework of judicial proceedings

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 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

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	(X) Yes () No	() General law only (X) General and specialised law () Specialised law only [] NAP
Criminal	(X) Yes () No	() General law only (X) General and specialised law () Specialised law only [] NAP
Administrative	(X) Yes () No	() General law only (X) General and specialised law () Specialised law only [] NAP

Comments - Other devices of electronic communication between courts, professionals and/or users 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

(X) 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	() Yes (X) No
within the public prosecution services	() Yes (X) 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 replies possible)?

- High Judicial Council
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify):see comment box

Comments

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

- Public Prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchically superior public prosecutor
- Prosecutor General /State public prosecutor
- External audit body
- Other (please specify):see comment box

Comments Independent Inspectorate of Prosecution

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?

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

() No

Comments Scottish Government:

Justice Analytical Services

Scottish Government

Victoria Quay

Edinburgh EH6 6QQ

Scottish Courts and Tribunal Service (SCTS):

Management Information and Analysis Team

Scottish Court Service

N1 Saughton House

Broomhouse Drive

Edinburgh EH11 3XD

080-1. Are the statistics on the functioning of each court published?

(X) Yes, on the internet

() No, only internally (on 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?

(X) 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. Are the statistics on the functioning of each public prosecution service published?

Yes, on the internet

No, only internally (on 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): SCTS have incomplete information on 'pending cases' so statistically, we would not provide an incomplete picture.

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):

NAP

Comments

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 hierarchically superior public prosecutor

Other (please specify):

NAP

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

C4. Please indicate the sources for answering the questions in this part

Sources: SCTS and 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)?

[]

[X] NA

[] NAP

Comments - Please add methodology for calculation used.

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

(X) Yes

() No

Comments - Please could you briefly specify:

085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (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): No.

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

Yes

No

NAP

Comments

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

Sources: SCTS

4.2. Timeframe of proceedings

4.2.1 General information

087. Are there specific procedures for urgent matters regarding:

civil cases

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: On 28 November 2016 simple procedure replaced the current small claims procedure. It also replaced 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)?

(X) Yes

() No

Comments - If yes, please specify: For criminal cases.

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)	[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	70 028 [] NA [] NAP	59 682 [] 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	[] NA [X] NAP	[X] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, 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)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] 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 Data is for the 2019-20 financial year. Data provided by the Justice Analytical Services / SG.

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. We do not hold data for non-litigious cases. For example, in some bankruptcy proceedings there is not an opposing side but we don't break down the information this way.

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

. 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)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	105 548 <input type="checkbox"/> NA <input type="checkbox"/> NAP	93 903 <input type="checkbox"/> NA <input type="checkbox"/> NAP	18 355 <input 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	6 476 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 961 <input type="checkbox"/> NA <input type="checkbox"/> NAP	887 <input 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	99 072 <input type="checkbox"/> NA <input type="checkbox"/> NAP	87 942 <input type="checkbox"/> NA <input type="checkbox"/> NAP	17 468 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Other criminal 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

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories. If “Other criminal cases”, please specify Note: 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)

No date for “other criminal cases” as all count is included in the aforementioned categories above.

SCTS comment: We could only provide figures as at 31 March 2020 and the pending cases at 31 Dec is the total number of trials scheduled as at 31 March 2020.

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)	<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	<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
3. Administrative law 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

4. Other 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
-----------------------	---	---	---	---	---

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 type="checkbox"/> NA <input type="checkbox"/> NAP	1 241 <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. Severe criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	630 <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. Misdemeanour and / or minor criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	611 <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
3. Other cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" 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 - 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)

SCTS COMMENT (17/11/21): we can only find data on incoming cases and the number of cases sustained. The published data does not tell us whether all cases dealt with in a year or not.

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)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.2 Non-litigious business registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.2.3. Other registry cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2.3. Other non-litigious cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Administrative law cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. Other cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] 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, please indicate the number of cases closed by this procedure:

(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.

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)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

1. Severe criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Other criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If “Other criminal 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 specific litigious cases 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	Pending for more than 2 years
Litigious divorce cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Employment dismissal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
Insolvency	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Robbery case	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Intentional homicide	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

=

101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for aliens.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
Non-court procedures relating to asylum seekers (refugee status under the 1951 Geneva Convention)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Non-court procedures relating to the right of entry and stay for aliens	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Court cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Court cases relating to the right of entry and stay for aliens	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

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

101-2. Number of cases relating to child sexual abuse and child pornography 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	Pending cases older than 2 years from the date the case came to the first instance court
Child sexual abuse	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Child pornography	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - Please explain what are the legal definitions of these categories of offences in your system:

102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. 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 investigation phase in criminal cases as well as 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	_____ Max numeric value allowed : 100 [X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	_____ Max numeric value allowed : 100 [X] NA [] NAP

Litigious divorce cases	Max numeric value allowed : 100 <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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal cases	Max numeric value allowed : 100 <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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency cases	Max numeric value allowed : 100 <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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery cases	Max numeric value allowed : 100 <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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide cases	Max numeric value allowed : 100 <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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	Max numeric value allowed : 100 <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): To investigate all deaths which require further explanation. COPFS plays a role in the investigation of crime and can provide instruction to the police as regards the investigation of crime which must be adhered to.

Comments The prosecutor does not conduct police investigations, but the prosecutor can provide instruction to the police, as regards the investigation of crime, which must be adhered to. To this extent the prosecutor is able to “supervise” police investigations.

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

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify:

107. Public prosecutors: Total number of 1st instance criminal cases.

	Number of cases
1.Pending cases on 1 Jan. ref. year	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.Incoming/received cases	159 195 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.Processed cases (3.1+3.2+3.3+3.4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)	32 367 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.1 Discontinued by the public prosecutor because the offender could not be identified	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	9 084 <input type="checkbox"/> NA <input type="checkbox"/> NAP

3.1.3 Discontinued by the public prosecutor for reasons of opportunity	23 283 [] NA [] NAP
3.1.4 Discontinued for other reasons	0 [] NA [] NAP
3.2. Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	46 302 [] NA [] NAP
3.3. Cases closed by the public prosecutor for other reasons	0 [] NA [] NAP
3.4. Cases brought to court	[X] NA [] NAP
4. Pending cases on 31 Dec. ref. year	[X] NA [] NAP

Comments This data is for the financial year 2020-21 (1 April 2020 to 31 March 2021).

There is also a time lag between receipt of a case and final disposal so that some cases received in 2020-2021 will not result in a disposal that year, and some of the disposals in 2020-21 will relate to cases reported in earlier years. 3.4 These figures were previously collated manually, but this collection was discontinued from 1 April 2016.

The number of cases received has decreased since 2013-14. There has been a decrease in cases for most major categories of crime, reflecting 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. In 2020-21 there was also a fall in cases which were commenced but later discontinued due to lack of admissible evidence.

There is no "other" category in the table. Cases listed under "Discontinued by the public prosecutor for reasons of opportunity" include those where further action is disproportionate and those where an alternative to prosecution has failed.

107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?

	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
Total number of guilty plea procedures	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Before the main trial	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
During the main trial	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments

109. Do the figures provided in Q107 include traffic offence cases?

(X) Yes

() No

Comments

D2. Please indicate the sources for answering the questions in this part

Sources: COPFS.

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):

Comments

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/authorities made up of judges and non-judges
- Other

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: Judicial Appointments Board for Scotland

111-1. How many members compose this authority?

	Total	Male	Female
Members	12	3	9
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments – Please specify what is the status of this authority and who is proposing its members?

111-2. May non-selected candidates appeal against the decision on recruitment/appointment?

- Yes
- No

Comments – please specify which body is competent to decide on appeal?

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 procedure for 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 replies possible)

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

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?

Has an independent status as a separate entity among state institutions

Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)

Is part of the executive power (without functional independence)

Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)

Is part of the judicial power (without functional independence)

Is a mixed model (please explain)

Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are enshrined (Constitution, legislation etc.). Furthermore, if "mixed model" or "other", please specify. The Lord Advocate, as head of the prosecution service, has unfettered independence in that role. The public prosecution service has a budget separate from other state institutions.

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

Yes

() No

Comments - If yes, please specify:

115-2. If you answered “Yes” to Q115-1, are there exceptions provided by the law/regulations?

(X) Yes

() No

Comments - Please describe these exceptions:

115-3. If you answered “No” to Q115-1, which authority can issue the specific instructions?

[] General Prosecutor

[] Higher prosecutor/Head of prosecution office

[] Executive power

[] Other

Comments - If “Other”, please specify:

115-4. What form these instructions may take?

[] Oral instruction

[] Oral instruction with written confirmation

[] Written instruction

[] Other

[X] NAP

Comments - If “Other”, please specify:

115-5. In that case, are the instructions:

[] Issued seeking prior advice from the competent public prosecutor

[] Mandatory

[] Reasoned

[] Recorded in the case file

[] Other

[X] NAP

Comments - If “Other”, please specify:

115-6. What is the frequency of this type of instructions:

() Exceptional

() Occasional

() Frequent

() Systematic

[X] NAP

Comments

115-7. Can the public prosecutor oppose/report an instruction to an independent body?

- Yes
- No
- NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions.

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
- Other

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:

117-1. How many members compose this authority?

	Total	Male	Female
Members	<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 - Please specify what is the status of this authority and who is proposing its members? Each recruitment exercises will normally consist of 3 board members of gender balance.

117-2. May non-selected candidates appeal against the decision on recruitment/appointment?

- Yes
- No

Comments - Please specify which body is competent to decide on appeal?

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 how the promotion procedure for prosecutors is organised (especially if there is no competition or examination): 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)

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"):

5.1.3Mandate 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 COMMENT BOX

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
- NAP

Comments

125-1. Is it renewable?

- Yes
- No
- 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
- 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
- NAP

Comments

E1. Please indicate the sources for answering the questions in this part

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 a 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
In-service training on child-friendly justice	(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	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for management functions of the court (e.g. court president)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in courts	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training on ethics	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed

In-service training on child-friendly justice	<input checked="" type="checkbox"/> Regularly (for example every year) <input 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:

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 in 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
In-service training on child-friendly justice	(X) Yes () 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	<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 functions (e.g. public prosecutor specialised in organised crime)	<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 management functions (e.g. Head of prosecution office, manager)	<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 the use of computer facilities in office	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on ethics	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on child-friendly justice	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> 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.

5.2.3 Training institutions

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

	Initial training only	Continuous training only	Initial and continuous training
Institution(s) for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Institution(s) for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Institution(s) for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments The Lord President 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(s) for the reference year, in €
Institution(s) for judges	176 200 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Institution(s) for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Institution(s) for both judges and prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments £158,470

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.

5.2.4 Number of trainings



131-2. Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training

	Number of in-person training courses available	Number of delivered in-person training courses in days	Online training courses available during the reference year (e-learning)
Total	<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. For judges	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	44 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. For prosecutors	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	26 <input type="checkbox"/> NA <input type="checkbox"/> NAP	95 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. For other non-judge staff	<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. For other non-prosecutor staff	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	95 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Training for other professionals	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	95 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments – please specify if there are training courses of judges and/or prosecutors that include other professionals in the field of justice. COPFS comment: face to face sessions and those delivered by MS Teams on-line have been classified as courses and do not include eLearning. No non-essential face to face courses ran during 2020-21. Where deemed essential these were run with fewer participants per course. However the numbers is higher than expected due to many courses being switched onto MS Teams and this ensured some essential learning continued despite the restrictions faced.

Please note: This data is for the 2020-21 financial year.

131-3. Number of participants of the training courses during the reference year

	Number of participants in in-person training courses	Number of participants in online training courses (e-learning)
Total	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Judges	520 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Prosecutors	35 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 557 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Non-judge staff	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Non-prosecutor staff	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 651 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Other professionals	15 [] NA [] NAP	346 [] NA [] NAP
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Comments Judges: https://www.judiciary.scot/docs/librariesprovider3/judiciarydocuments/judicial-institute-publications/annual-report-2019-2020.pdf?sfvrsn=c6882555_4

COPFS: Note, due to the COVID-19 pandemic and restrictions of lockdowns and policy & guidance in place to reduce risks and consequences of gatherings of people our figures for 2021 show a marked increase in eLearning and courses delivered on-line which would have been in person without the restrictions. Figures are also skewed as we are aware of people engaging with eLearning but failing to register completion at the end of many eLearning packages. Figures provided only show confirmed completions.

5.3.Practice of the profession

5.3.1Salaries 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	159 101 [] NA [] NAP	[X] NA [] NAP	143 095 [] 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)	243 936 [] NA [] NAP	[X] NA [] NAP	219 396 [] NA [] NAP	[X] NA [] NAP
Public prosecutor at the beginning of his/her career	37 304 [] NA [] NAP	[X] NA [] NAP	37 304 [] 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 Summary Sheriff: £114,793 Sheriff: £143,095 Sheriff Principal: £154,527 Senator Outer: £192,679 Senator Inner: £ 219,396
Lord justice Clerk Scotland: £230,717
Lord President Scotland: £238,868

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 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 functions/activities?

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) 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: Secondary employment of this kind would need to be declared and agreed prior to being completed to rule out any conflict of interest.

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 if possible 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, who are the members of this institution/body?

- Only judges
 Judges and other legal professionals
 Other, please specify:

Comments

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.

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, who are the members of this institution/body?

Only prosecutors

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. All prosecutors in Scotland are solicitors and their conduct is regulated by the Law Society of Scotland and the Scottish Solicitor's Discipline Tribunal. Findings in relation to complaints of misconduct by the Scottish Solicitor's Discipline Tribunal are published and available to the public. I am not aware of any such opinion/finding being published in relation to a relevant case.

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 replies possible)?

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court

Disciplinary body (disciplinary prosecutor, investigator etc.)

Ombudsman

Parliament

Executive power (please specify):

Other (please specify):Judiciary may only be removed from office after a fitness for office tribunal commissioned by the First Minister , This may be at her own initiation or at the request of the Lord President.

This is not possible

Comments

141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple replies 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
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

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

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):

Other (please specify):Disciplinary powers are set out in primary legislation - Judiciary and Courts (Scotland) Act 2008. This Act provides that the Lord President may exercise disciplinary powers after a complaint investigation recommends use of such a power.

Comments

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

Comments

5.4.2Number 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)	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: During the period of 1 September 2020 to 31 August 2021: 95 complaints were concluded under the complaints Rules. 78 complaints were dismissed by the Judicial Office as being about a judicial decision. 8 complaints were dismissed by the disciplinary judge. 6 were sent to investigation but all were not substantiated. 2 complaints were deemed to be 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)	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Temporary reduction of salary	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
6. Position downgrade	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

7. Transfer to another geographical (court) location	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
8. Resignation	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
9. Other	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
10. Dismissal	0 <input 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.

E3. Please indicate the sources for answering the questions in this part

Sources: SCTS / COPFS; <https://www.judiciary.scot/home/publications/judicial-complaints>

6.Lawyers

6.1.Profession of lawyer

6.1.1Status of the profession of lawyers



146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	12 485 <input type="checkbox"/> NA	5 546 <input type="checkbox"/> NA	6 939 <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 ()

No ()

Comments

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

[4 096]

NA

NAP

Comments 4096 in-house lawyers (they are permitted to represent their employers in court).

=

149. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies possible)

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input checked="" type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP
Dismissal cases	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input checked="" type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP
Criminal cases – Defendant	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input checked="" type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP
Criminal cases – Victim	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input checked="" type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP
Administrative cases	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input type="checkbox"/> Yes in some cases <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes always <input checked="" type="checkbox"/> Yes in some cases <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' exclusive rights: 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 other than lawyers may represent a client in court, please specify who:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Family member	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Self-representation	<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
Trade union	<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	<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", please specify. In addition, for the categories selected please specify the types of cases concerned by this/these representation(s):

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

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

Comments

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

- Self-employed lawyer
- Staff lawyer
- In-house lawyer

Comments

150. Is the lawyer profession organised through:

- 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?

- Yes
- No

Comments - 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?

- 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 the questions in this part

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 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 Yes, laws provide rules - The Solicitors (Scotland) Act 1980 section 39A gives the Law Society disciplinary powers where excessive fees etc charged;

Yes, the Law Society can issue practice rules which have the force of law. Practice Rule B1.11 provides:

1.11.1 The fees a solicitor charges must be fair and reasonable in all the circumstances.

1.11.2 When the work is to be charged at an hourly rate, the solicitor must inform the client what that hourly rate will be and of any change to the hourly rate

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): 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: Data couldn't be collected from all of the agencies involved in the process.

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

3. Withdrawal from cases	[X] NA [] NAP
4. Fine	[X] NA [] NAP
5. Other	[X] 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.

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?

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

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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Family cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP

Administrative cases	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Labour cases including employment dismissals	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Criminal cases	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Consumer cases	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] 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?

(X) Yes

() No

[] NAP

Comments - If yes, please specify (only one or both options)::

=

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	<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. Labour cases including employment dismissal 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
5. Criminal 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
6. Consumer 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

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 sources for answering the questions in this part

Source: SLAB / Access to Justice (SG)

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1 Number of enforcement agents, status and mandate

169. Number and type of enforcement agents in your country.

	Total	Male	Female
Total (1+2+3+4)	148 <input type="checkbox"/> NA	132 <input type="checkbox"/> NA	16 <input type="checkbox"/> NA
1. Private professionals under the authority (control) of public authorities	148 <input type="checkbox"/> NA <input type="checkbox"/> NAP	132 <input type="checkbox"/> NA <input type="checkbox"/> NAP	16 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Enforcement agents working in a public institution (civil servants paid by state)	<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. Judges	<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
4. Other	<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, please specify their status and competences:

170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other

Comments - If "other", please specify: Should an individual wish to embark on a career as a sheriff officer, they must be in possession of the necessary minimum academic qualifications.

They must have at least five passes at a SCQF Level 4 or above including passes in English and Mathematics. They will require to gain employment with a sheriff officer with whom they will undergo a traineeship for a period of three years. This period may be reduced to one year by application to the Sheriff Principal.

Thereafter they will be required to sit and pass the Society of Messengers-at-Arms and Sheriff Officers' examination which will test both their practical and technical knowledge. For this reason it is most important that the candidate has had several years experience in the field.

Having obtained a pass certificate, the candidate will thereafter make an application to the Sheriff Principal of the sheriffdom of the geographical location in which they wish to practice. In addition to their employer's certificate and examination pass certificate, they must provide two letters of reference of good character and their birth certificate.

Their application will thereafter be displayed on the walls of every Sheriff Court where they wish to practice for a period of 30 days and, in addition, the application will be advertised in the Society's website www.smaso.org.

At this stage anyone can object to the candidate's application, which would result in a hearing before the Sheriff Principal when the objector would be required to put forward a reasoned argument against the granting of the candidate's commission.

The candidate is also required to obtain professional indemnity insurance. Thereafter the candidate will be interviewed by the Sheriff Principal and, if satisfied, the Sheriff Principal will administer the Oath de Fideli Administratione Officii to the successful candidate, thus becoming a commissioned sheriff officer authorised to serve citations and execute diligence.

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

- Yes, please indicate the age of retirement: There is no mandatory retirement age the current state retirement is 66 years
- No, please specify the duration of the appointment:

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: There is no mandatory retirement age the current state retirement is 66 years

8.1.2 Activities/scope of competence

171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?

	Access to information	Direct electronic access to information
Address	() Yes (X) No	() Yes (X) No
Date of birth	() Yes (X) No	() Yes (X) No
Civil status	() Yes (X) No	() Yes (X) No
Cohabitant	() Yes (X) No	() Yes (X) No
Employer	() Yes (X) No	() Yes (X) No
Motor vehicle	(X) Yes () No	(X) Yes () No
Movable property	() Yes (X) No	() Yes (X) No
Immovable property	() Yes (X) No	() Yes (X) No
Bank account	() Yes (X) No	() Yes (X) No
Other enforcement proceedings underway	() Yes (X) No	() Yes (X) No
Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)	() Yes (X) No	() Yes (X) No
Other	(X) Yes () No	(X) Yes () No

Comments - If "other", please specify: Enforcement agents can access commercial databases if they subscribe to the appropriate product.

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

	Option
Seizure of movable tangible properties	() Yes, exclusively performed by enforcement agents (X) Yes, but not exclusively performed by enforcement agents () No [] NAP
Preventive seizure of movable tangible properties	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP

Seizure of immovable properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Preventive seizure of immovable properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <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, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizures of boats and ships	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of aircrafts	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

Seizure of electronic assets (e.g cryptocurrency)	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Sale of shares	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments

171-3. Apart from 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 or public auctions of moveable or immovable property
- Custody 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

8.1.3 Training and ICT



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

Yes

No

Comments

172-2. Do you have an e-learning training system established for enforcement agents?

Yes

No

Comments - If yes, please specify: During the pandemic training seminars were delivered remotely via zoom

172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?

Yes

No

Comments - If yes, please specify:

172-4. Have an electronic service of documents or electronic notifications been introduced in your country?

Yes

No

Comments Only as part of emergency coronavirus legislation

172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?

Yes

No

Comments - Please explain: Electronic authentication of court documents has been a welcome improvement.

8.1.4 Fees

174. Are enforcement fees easily established and transparent for parties?

Yes

No

Comments

175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?

Yes

No

Comments

175-2. Who has to pay these fees if the enforcement proceedings are successful?

The debtor

The creditor

Other – please specify Payment to the enforcement agent is initially made by the creditor however the sum is added to the debt recoverable and can ultimately be recovered from the debtor.

Comments

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

Yes

No

Comments

H0. Please indicate the sources for answering the questions in this part

Source: 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.

8.1.5 Organisation of profession and 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

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

(X) 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

[X] unlawful practices

[] insufficient supervision

[] excessive cost

[] unethical behaviour of enforcement agent

[X] 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

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

	Existence of the system
for civil cases	() Yes (X) No
for administrative cases	() Yes (X) No

Comments

186. Regarding a decision on debt collection, please estimate the average timeframe to serve and/or 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):

[X] 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)	0 [] 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	0 [] NA [] NAP

Comments - If "other", please specify:

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	0 [] NA [] NAP
3. Withdrawal from cases	[X] NA [] NAP
4. Fine	[X] NA [] NAP
5. Other	[X] 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:

H1. Please indicate the sources for answering the questions in this part

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 replies possible)

- Judge
 Public prosecutor
 Prison and Probation Services
 Enforcement agent
 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, status and mandate of notaries

192. Number and status of notaries in your country.

	Total	Male	Female
TOTAL (1+2+3+4)	8 911 <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
1. Private professionals (without control from public authorities)	<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. Holders of public offices appointed by the State	<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. Civil servants (paid by the State)	<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

4. Other	8 911 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
-----------------	----------------------------	---------------------	---------------------

Comments - If "Other", please specify the status, or if "holder of a public office appointed by the State", please indicate which ministry is mainly engaged in the appointment procedure: In Scotland 'notary' is a separate profession although the sole qualification for admission as a Notary Public is that the individual applying is a Scottish Solicitor holding a practising certificate. The appointment lasts for as long as a notary holds a practising certificate as a solicitor. Accordingly, the professions are closely linked but not all solicitors become notaries. There are currently 8,911 Solicitors with PCs who are Notary Public – 70.8% of the total number of solicitors in Scotland.

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

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other (please specify):see comment box

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:66
- no, please specify the duration of the appointment:

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: 66 (but can work longer than that)

9.1.2 Activities/scope of competences

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

	Please select one option
Authentication	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Certification of signatures	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Legalisation of signatures / Apostille	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Legality control of documents	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Mediation	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Taking of oaths	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Act as civil servant (for example performing marriage, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other judicial functions (for example, payment orders)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Public auctions	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Other (for example collect taxes, run registers etc.)	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
---	--

Comments - If “other”, please specify. Please indicate any useful clarifications regarding the content of the notaries’ exclusive rights or, on the opposite, other bodies that also have competences for the listed activities. <https://www.lawscot.org.uk/members/membership-and-fees/practising-certificate-holders/notary-public/>

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
- Protection of vulnerable persons
- Other

Comments In Scotland 'notary' is a separate profession although the sole qualification for admission as a Notary Public is that the individual applying is a Scottish Solicitor holding a practising certificate. The appointment lasts for as long as a notary holds a practising certificate as a solicitor. Accordingly, the professions are closely linked but not all solicitors become notaries. There are currently 8,911 Solicitors with PCs who are Notary Public – 70.8% of the total number of solicitors in Scotland.

9.1.3 ICT, organisation of the profession and training

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

- In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)
- In their relations with their clients
- In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments In Scotland 'notary' is NOT a separate profession.

194-4. Which computerised registries can notaries consult?

- Land registry
- Business registry
- Civil status / Population registry
- Succession / Family law registry
- Any other registry (please specify)
- None

Comments In Scotland 'notary' is NOT a separate profession.

194-5. Are there registries/ registry infrastructures run by the notaries?

- Yes
- No

Comments - If yes, please specify: In Scotland 'notary' is NOT a separate profession.

194-6. In which computerised registries can notaries modify data (either directly or by submitting an online request)?

	Directly modifying	Indirectly modifying by submitting an online request
Land registry	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP
Business registry	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP
Civil status/ Population registry	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP
Succession / Family law registry	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP
Any other registry (please specify)	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP
None	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP

Comments In Scotland 'notary' is NOT a separate profession.

194-7. What ICT tools are used by notaries in their relations with clients?

- Videoconferencing (e.g. digital advice)
- Digital act
- Digital identification
- Digital archiving
- Other, please specify
- None

Comments In Scotland 'notary' is NOT a separate profession.

194-8. Who is responsible to run the digital archives?

- Notariat / Professional body
- Other public authority
- Another entity (please specify)

Comments In Scotland 'notary' is NOT a separate profession.

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

- Yes
- No

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

196-2. Do notaries have training on:

	Yes	No
European law	()	(X)
Law of another Member State (cross-border training programmes)	()	(X)

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities: In Scotland 'notary' is NOT a separate profession.

I1. Please indicate the sources for answering the questions in this part

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 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 the questions in this part

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 participate in judicial procedures (multiple replies possible):

Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court

Experts appointed by the court or other authority independent of the parties

Other system of judicial expertise, please specify

Comments - Please specify who is proposing and appointing experts in an individual case.

202-1. Are there lists or any other form of official registration for judicial experts?

Yes

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/>

202-1-1. If yes, at which level is the list established (multiple replies possible):

national

administrative district or federal entity

judicial district

other

Comments - Please, indicate any other comment regarding these lists or databases of experts, if they do exist (e.g. does the expert take an oath? How are his/her skills evaluated? By whom?):

202-1-2. Are these lists publicly available?

Yes, available on the internet

Yes

No

Comments

202-2. Which authority is competent for the registration of judicial experts?

Ministry of justice

Courts

Administrative body

Independent body (association of judicial experts)

Other

Comments - Please also specify the registration criteria: 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

202-4. Can an expert who is not on the list or not registered be appointed in a case?

Yes

No

Comment - If yes, please specify in which cases:

203. Is the title of judicial experts protected?

Yes

(X) 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	() Yes (X) No
Continuous training	() Yes (X) 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

(X) 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?

(X) Yes

() No

Comments - If yes, please specify:

205. Number of accredited or registered judicial experts:

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

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)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1.Civil and commercial litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.Administrative cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.Criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4.Other cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

205-1. Who defines the amount of the expert remuneration?

	In civil/administrative cases	In criminal cases
Defined by law/by-law or a special regulation	<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
Defined by the court/judge	<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
Defined by Ministry of Justice or another ministry (setting a tariff for example)	<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
Salary of public official (in case of forensic or another specialist – who is public employee)	<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
Freely agreed between expert and the parties	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<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 - If other, please specify:

206. Are there binding provisions for judicial experts regarding:

Yes	No
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Deadlines to provide expertise	()	(X)
Quality of expertise	()	(X)
Other	()	(X)

NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions:

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

Yes

No

If yes, please specify: Judicial experts are selected by parties. Experts do not have to be authorised by the court.

207-2. Are judicial experts' associations involved in:

Selection processes

Initial or continuous training

Disciplinary procedures

NAP

Comments

K1. Please indicate the sources for answering the questions in this part

Sources: SCTS / The Law Society of Scotland

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1Reforms



208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:

208-1. (Comprehensive) reform plans

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Justice in Scotland: vision and priorities - This report highlights our key achievements in justice since the publication of Justice in Scotland: vision and priorities in 2017. It also outlines the unprecedented impact of COVID 19 on the justice system - <https://www.gov.scot/publications/justice-vision-priorities-closing-down-report/>

Bills for introduction in 2021-22 - <https://www.gov.scot/programme-for-government/>

208-2. Budget

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-4. Access to justice and legal aid

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-5. High Judicial Council

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-7. Gender balance

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-9. Enforcement of court decisions and in particular regarding decisions against public authorities

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-10. Mediation and other Alternative Dispute Resolution

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-11. Fight against crime

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-12. Prison system

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: The Scottish Government's Programme for Government 2021 includes a commitment to introduce a Bail and Release from Custody Bill this parliamentary session to reform how decisions are made in relation to the use of bail/remand and adjust certain release arrangements for individuals in custody, with an overall focus on public safety.

To help inform this Bill, we have recently launched a public consultation entitled 'Bail and Release from Custody Arrangements in Scotland' which will run for 12 weeks between 15 November 2021 and 7 February 2022. The consultation seeks views on proposed reforms relating to the law governing the use of bail and remand for those accused of criminal offences, and the release from custody of those serving sentences following conviction.

The proposed reforms relating to the law on bail have a focus on emphasising public safety as being the determining factor justifying remand as we feel that those who do not pose a risk of serious harm should be managed in the community. The consultation also seeks views on what alternatives to remand and support for people leaving remand could look like in the future. We are also seeking views on proposals around release arrangements for certain prisoners and on the support provided to people on release from custody, with an emphasis on supporting reintegration.

These proposed reforms have an emphasis on both addressing the underlying causes of offending and protecting public safety.

208-13. Child friendly justice

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-14. Domestic violence

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-15. New information and communication technologies

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-16. Other

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: