



**Reference data 2022 (01/01/2022 - 31/12/2022)**

**Start/end date of the data collection campaign : 15/03/2023 - 01/10/2023**

**Objective :**

The CEPEJ decided, at its 39th plenary meeting, to launch the ninth evaluation cycle 2024, focused on 2022 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 46 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan).

The present questionnaire was developed 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, in service of the European citizens.

For better understanding of the questions it is necessary to consult the Explanatory note that gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, You can download the Explanatory note as a whole document on the CEPEJ website. In addition to the Explanatory note, there is also the User manual that is a technical document to help you navigate through this application for data collection.

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.

**Instruction :**

Explanatory note: <https://rm.coe.int/explanatory-note-2024-cycle-cepej-2023-2-en/1680aae30a>

Word version of the questionnaire - <https://rm.coe.int/evaluation-scheme-2024-cycle-cepej-2022-9rev1-en-30-march-2023/1680aae309>

CEPEJ COLLECT - User manual – you can download under Documentation tab

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## **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)**

[ 5 479 900 ]

Comments Latest available data for mid 2021 (published in July 2022). Source - NRS, Mid-year population estimates, Scotland 2021 - <https://www.nrsotland.gov.uk/statistics-and-data/statistics/statistics-by-theme/population/population-estimates/mid-year-population-estimates/mid-2021>



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

[ 38 597 ]

Comments In 2022 as a whole, annual onshore GDP is estimated to have been £187.3 billion in total, or £34,229 per person. Source: GDP Quarterly National Accounts, Scotland.

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

[ 37 689 ]

[ ] NA

Comments Source: ONS annual survey of hours and earnings - resident analysis £33,423.66 per year (£640.30 pw x52.2 weeks) / fulltime employees.

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

+1:

[ 0.8868 ]

Allow decimals : 5

[ ] NAP

Comments £1 = 1.1276EUR. Daily spot exchange rate against Euro (30/12/2022). Bank of England Database.

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

Sources: See comments box.

### 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, please answer NA to question 7.

	Approved budget (in €)	Implemented budget (in €)
<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	210 058 350 [ ] NA [ ] NAP	203 457 378 [ ] NA [ ] NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Annual public budget allocated to computerisation (2.1 + 2.2)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

<b>2.1 Investments in computerisation</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2 Maintenance of the IT equipment of courts</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>6. Annual public budget allocated to training</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>7. Other (please specify)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> 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: It's important to note that a considerable portion of the increased expenditure can be attributed to an uplift in (Recover, Renew, and Transform) RRT funding, designated for COVID-19 recovery by the Scottish Government, along with other in-year activities and projects initiated post the pandemic.

Source: Scottish Courts and Tribunals Service.

**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 €)
<b>Total annual public budget allocated to all courts and the public prosecution services together</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Total annual public budget allocated to all courts and legal aid together</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Total annual public budget allocated to all courts, public prosecution services and legal aid together</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input 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: 2021-22 FY:

SLAB £139m as the approved and £133m as implemented budget based on page 116 COPFS £180m for the approved budget and £185m for the implemented budget based on page 110

<https://www.gov.scot/binaries/content/documents/govscot/publications/corporate-report/2022/12/scottish-government-consolidated-accounts-year-ended-31-march-2022/documents/scottish-government-consolidated-accounts-year-ended-31-march-2022/scottish-government-consolidated-accounts-year-ended-31-march-2022/govscot%3Adocument/scottish-government-consolidated-accounts-year-ended-31-march-2022.pdf>



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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:**

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

Comments - If there are exceptions to the obligation to pay these court fees, could you please provide comments on those exceptions? The fees can be paid 'at the beginning of the procedure' or 'at a later stage'. Unfortunately, these answers are exclusive and only one can be selected.

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

- Court fees are set by the Scottish Ministers normally on a 3 yearly cycle with input from the SCTS.  
 The current cycle commenced on 1 July 2022, with further increases taking effect on 1 April 2023 and 1 April 2024.  
 Further information on the fees applicable from 1 July 2022 and the policy behind those fees can be found here:  
<https://www.legislation.gov.uk/ssi/2022/181/policy-note/contents>  
 With certain exceptions, litigants can claim exemption from court fees. Those exemptions apply where the person for example is in receipt of certain means tested benefits; or is in receipt of civil legal aid; or that certain types of proceedings are exempt from any court fees such as those under section 129 of the Consumer Credit Act 1974 or the Mental Health (Care and Treatment) (Scotland) Act 2003.  
 In addition, fees are not payable by the Crown in the enforcement of the criminal law or in the exercise of powers or the performance of duties arising out of or relating to that enforcement.  
 Details of exemptions are provided on the Scottish Courts & Tribunals Service web site: [www.scotcourts.gov.uk](http://www.scotcourts.gov.uk)

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

- [ 122 ]
- [ ] NA
- [ ] NAP

Comments £108 from 7/2022

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

- [ 45 449 046 ]
- [ ] NA
- [ ] NAP

Comments £40 306 000; Figure provided is for the financial year from 1 April 2022 to 31st March 2023 as set out in our published Annual Report & Accounts. The increase compared to 2020 was due to the impacts of the COVID-19 pandemic on court business.

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

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b>	165 671 502 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.1 for cases brought to court (court fees and/or legal representation)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments Legal Aid, Budget Allocation £146.924m - <https://www.gov.scot/publications/spring-budget-revision-2022-23-supporting-document/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
<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	152 226 000 [ ] NA [ ] NAP	86 825 200 [ ] NA [ ] NAP	65 400 800 [ ] NA [ ] NAP
<b>12-1.1 for cases brought to court (court fees and/or legal representation)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.2 for cases not brought to court (legal advice, ADR and other legal services)</b>	[ 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: The implemented figures from our Annual Report show that the total cost of legal assistance to the taxpayer on 22/23 was £135million. The implemented figure is often different from the budgeted figure as legal assistance is an uncapped, demand driven “budget”. This means that decisions on eligibility and payment are made irrespective of any budgetary provision and the Scottish Government must make funding available if required to pay for services covered by the legal aid schemes, even if this is higher than expected in some years. The nature of judicare funding is that it is unplanned and non-targeted. In any one year we pay for services delivered in that year and over previous years. Most expenditure is for cases which concluded in the year payment is made. Some cases can start and conclude in the same year, whilst others will span one or more financial years. Furthermore, In addition, fees across all types of legal assistance were subject to a 5% increase from 1 April 2022. There was also a decrease of 13% in contributions and expenses collected in civil legal aid cases. Further information is available in our Annual Report: <https://www.slab.org.uk/app/uploads/2023/10/SLAB-2022-23-Annual-Report-and-Accounts.pdf>

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

Amount calculated/estimated included
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<b>Coverage of court fees</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP (Legal aid does not include coverage of court fees)
<b>Exemption from court fees</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP (Legal aid does not include exemption from court fees)

Comments

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

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the public prosecution services, in € (including 13.1)</b>	219 318 200 [ ] NA [ ] NAP	219 092 680 [ ] NA [ ] NAP
<b>13.1. Annual public budget allocated to training of public prosecution services</b>	[ X ] NA [ ] NAP	175 398 [ ] 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: Total annual public budget allocated to the public prosecution services: Approved - £194,500,000; Implemented - £194,300,000

Allocated to training of public prosecution services - £155,550;

Figures are for 2022-23. The approved budget figure includes Capital of £9,000,000. The training budget, as per our accounts, is £155,550 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 Scottish Government did not go down to that level of detail, so it is within our supplies and services budget.

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

Sources: 12 - SLAB 13 - Crown Office and Procurator Fiscal Service
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**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 €)
<b>Total annual public budget allocated to the whole justice system in €</b>	[ 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
Service for legal representation of the State	<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	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP
Judicial protection of juveniles	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP
Functioning of the Ministry of Justice	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP
Refugees and asylum seekers services	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP
Immigration Service	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP
Other	( ) Yes ( ) No <input checked="" type="checkbox"/> 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

## 2. Access to justice and all courts

### 2.1. Legal Aid

#### 2.1.1 Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	( X ) Yes ( ) No <input type="checkbox"/> NA <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Legal advice, ADR and other legal services	( X ) Yes ( ) No <input type="checkbox"/> NA <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NA <input type="checkbox"/> NAP

016-1. Please briefly describe the organisation of the legal aid system in your country.



- 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.

**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

<b>TOTAL</b>	163 400 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>In criminal cases</b>	95 800 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>In other than criminal cases</b>	67 600 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - Please specify when appropriate:

**020-0. Please indicate the number of recipients of legal aid:**

	Total	Cases brought to court	Cases not brought to court
<b>TOTAL</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>In criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>In other than criminal cases</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - Please specify when appropriate:

**020-0-1. Are there statistical data disaggregated by gender in respect of recipients of legal aid?**

- ( ) Yes
- ( X ) No

Comments

**020-0-2. If yes, please provide details on distribution by gender of recipients of legal aid:**

	Total	Males	Females
<b>Number of recipients of legal aid</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP

Comments

**020-0-3. Is it possible to divide the number of recipients of legal aid per different categories of cases?**

- ( ) Yes
- ( X ) No

Comment: If yes, please specify for which categories of cases: SLAB: we do not collect data on the number of recipients but we do break down the categories of grants of criminal and civil legal assistance. These are broken down into the following categories:

- Assault
- Bail (including breach of bail)
- Communications Act

- Drugs related matter
- Embezzlement/fraud
- Murder/attempted murder/culpable homicide
- Offensive behaviour
- Road traffic
- Robbery
- Sexual offences
- Theft/housebreaking
- Appeals - family
- Contact/parentage
- Divorce/separation
- Property/monetary
- Protective order
- Residence
- Family/matrimonial - other
- Adults with incapacity
- Appeals - other
- Breach of contract
- Debt
- Discrimination
- Fatal accident inquiries
- Housing/recovery of heritable property
- Immigration and asylum
- Judicial review
- Medical negligence
- Reparation

**020-0-4. Are there situations where legal aid is automatically granted depending on categories of cases?**

( X ) Yes

( ) No

Comment: If yes, please specify: Criminal legal aid is automatically available in certain situations. It is available without application and without enquiry as to a person's resources. The person just need's to request legal assistance in the following circumstances. The person should be advised of their right to contact you at the time of their arrest, they also may be entitled to the services of a duty solicitor.

The circumstances in which automatic criminal legal aid is available:

- Representation at an identification parade
- Proceedings under solemn procedure where your client appears from custody (Petition proceedings)
- Proceedings under summary procedure where your client appears from custody (court duty solicitor)
- Cases involving insanity, including an examination of facts
- Cases involving sexual offences
- Cases involving child witnesses under the age of 12, and in other cases involving vulnerable witnesses
- Certain proceedings under the Domestic Abuse (Scotland) Act 2018
- Trials in absence (in solemn and summary cases)
- Cases where on appeal the High Court has granted authority for a new prosecution for the same or a similar offence

The solicitor of choice provisions [section 31 of The Legal Aid (Scotland) Act 1986] are disappplied to enable representation [section 22(1)(dd) and (de) of the Act].

Automatic criminal legal aid is no different in character from criminal legal aid made available by us and it is subject to the same arrangements covering matters such as sanctions for counsel and expert witnesses.

Automatic criminal legal aid can be terminated by us or the court.

Automatic legal aid for unrepresented persons

In summary proceedings, if the court has adjourned a diet to enable an unrepresented person to apply for legal aid, automatic legal aid is available without making an application or applying any statutory tests until we decide the application [section 24(6), and section 24(7) and (8) of the Act].

This is automatic legal aid under section 22(d) of The Legal Aid (Scotland) Act 1986.

**Children’s Legal Aid**

A duty solicitor acting for a child for a hearing taking place under the Children’s Hearings (Scotland) Act 2011, will be provided with automatic children’s legal aid. This is not subject to any means or merits statutory tests.

**020-0-5. How many of the recipients of legal aid are alleged victims of domestic violence?**

	Total	Males	Females
<b>Number of recipients of legal aid who are alleged victims of domestic violence</b>	<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 SLAB: Alleged victims of domestic violence in receipt of legal aid would be in receipt of Civil Legal Assistance. There is no category code for domestic violence so we would have to infer the possibility of domestic violence from categories of Civil Legal aid such as “Interdict”. Any figures would effectively be an educated guess.

**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 decision on the legal aid request:**

	Time in days
<b>Maximum duration prescribed in law/regulation</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Actual average duration</b>	<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: 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 criminal legal aid (less serious cases) it is 9 days. In Civil it is 17 days and in Children’s it is 7.5 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
<b>Accused individuals</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Victims</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify: 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.

For victims this is only in very limited circumstances i.e. when challenging an application from the accused to access sensitive records of the complainer. Recovery proceedings under ABWOR needing our prior authority - <https://www.slab.org.uk/guidance/recovery-of-sensitive-documents/>

**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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments

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

- 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: Please note:

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	13 017 [ ] NA [ ] NAP	1 935 [ ] NA [ ] NAP
Full legal aid to the applicant for other than criminal cases	3 970 [ ] NA [ ] NAP	8 855 [ ] NA [ ] 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	29 587 [ ] NA [ ] NAP	14 678 [ ] 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 specify 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

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

Judicial decisions direct how legal costs will be shared
--

in criminal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - 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](http://www.slab.org.uk) - Scottish Legal Aid Board  
Data taken from the Annual Report.

## 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.)	<input checked="" type="checkbox"/> <a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a> <a href="http://www.scotcourts.gov.uk">www.scotcourts.gov.uk</a> , <a href="http://www.scotcourts.gov.uk">www.scotcourts.gov.uk</a>	<input type="checkbox"/>
Case-law of the higher court/s	<input checked="" type="checkbox"/> <a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a> ; <a href="http://www.scotcourts.gov.uk">www.scotcourts.gov.uk</a>	<input type="checkbox"/>
Information about the judicial system (organisation of courts, court proceedings, etc)	<input checked="" type="checkbox"/> <a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a> ; <a href="http://www.scotcourts.gov.uk">www.scotcourts.gov.uk</a> ; <a href="http://www.judiciary.scot">www.judiciary.scot</a>	<input type="checkbox"/>
Other documents (e.g. forms, downloadable forms, online registration forms)	<input checked="" type="checkbox"/> <a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a> ; <a href="http://www.scotcourts.gov.uk">www.scotcourts.gov.uk</a>	<input type="checkbox"/>

Comment - Please specify what documents and information are included in "Other documents" Information about the judicial system:

[www.legislation.gov.uk](http://www.legislation.gov.uk)

[www.scotcourts.gov.uk](http://www.scotcourts.gov.uk)

[www.judiciary.scot](http://www.judiciary.scot)

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

Yes, always

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
<b>General for citizens</b>	<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
<b>Specific for victims of offences</b>	<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
<b>Specific for minors (child-friendly systems)</b>	<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

Comments - Please provide more information on these systems and specify how this assistance is provided: General for citizens: The SCTS website provides information on the Courts and Tribunals in Scotland; Coming to Court; Taking action; Current business; Search judgements; and Rules and Practice which can be found here: <https://scotcourts.gov.uk/>

Specific for victims of offences: Specific information for victims of crime can be found here: <https://scotcourts.gov.uk/coming-to-court/victims-of-crime> Information provided also includes helpful signposting to various support organisations including Victim Support Scotland, Rape Crisis Scotland, Scottish Women’s Aid, PETAL (support services for families and friends of murder victims) and Samaritans.

Under each of the following categories on the SCTS website Coming to Court; Taking action; Current business; Search judgements; and Rules and Practice there are a number of sub-headings which give further information on a range of justice related matters from attending a court to dealing with the estate of a deceased person.

The SCTS also operates Civil Online which can be used to:

- \*Submit a simple procedure claim
- \*Respond to a simple procedure claim raised against you
- \*Submit applications and other documents in a simple procedure claim
- \*Track the progress of a claim and access case documents

Legal professionals can also use Civil Online to:

- \*Submit documents in an ordinary cause action
- \*Submit caveats
- \*Make bulk submissions of simple procedure claims directly from your own case management, using the Civil Online API

Online assistance is available for Civil Online together with reporting a technical fault here: <https://scotcourts.gov.uk/taking-action/civil-online-gateway/help-with-claim>

**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 person under 18 years of age to act in court proceedings 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 checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input checked="" type="checkbox"/> NAP

<b>To be a witness</b>	<input type="checkbox"/> Age threshold	<input type="checkbox"/> Age threshold
	[Comment]	[Comment]
	<input type="checkbox"/> Capacity for discernment	<input type="checkbox"/> Capacity for discernment
	<input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Other
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments - Please specify if you selected “Other”. Scottish Government, Family Law Policy:

31-1- Civil Proceedings - Capacity to initiate a proceeding and take other procedural actions in his/her own name: under section 2(4A) of the Age of Legal Capacity (Scotland) Act 1991, “A person under the age of sixteen years shall have legal capacity to instruct a solicitor, in connection with any civil matter, where that person has a general understanding of what it means to do so; and without prejudice to the generality of this subsection a person twelve years of age or more shall be presumed to be of sufficient age and maturity to have such understanding.” Under section 2(4B) of the 1991 Act, “A person who by virtue of subsection (4A) above has legal capacity to instruct a solicitor shall also have legal capacity to sue, or to defend, in any civil proceedings; Hence answer on “Capacity to initiate a proceeding and take other procedural actions in his/her own name” is “capacity for discernment”.

Scottish Government, Family Law Policy:

31-1- Civil Proceedings - On the age at which you can be a witness, there is a distinction between being a witness in civil proceedings and being a documentary witness. There is no fixed age limit all at which a child acquires capacity to be a witness in civil proceedings. A child becomes a competent witness when the judge is satisfied the child knows the difference between truth and lies and appreciates the duty to tell the truth (Rees v Lowe 1990 SLT 507). However a person must be over the age of 16 to competently witness a deed- section 3(4)(c)(ii) of the Requirements of Writing (Scotland) Act 1995 (<https://www.legislation.gov.uk/ukpga/1995/7/section/3>).

In civil cases, a child under 18 is treated as a vulnerable witness under the Vulnerable Witnesses (Scotland) Act 2004.

Criminal proceedings:

COPFS initiate criminal proceedings, and as such a victim of crime, whether or not they are a child, would not initiate criminal proceedings.

Any individual possessing the cognitive capacity to comprehend the requirements for providing evidence is eligible to serve as a witness, irrespective of their age.

### 031-2. If a person under 18 years of age cannot act in court proceedings in his/her own name, who can represent him/her in judicial proceedings?

	Civil proceedings	Criminal proceedings
<b>Parent/legal guardian</b>	<input checked="" type="checkbox"/> Yes, always <input type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes, always <input type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No
<b>Another representative (instead of parent/legal guardian)</b>	<input checked="" type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input checked="" type="checkbox"/> Other

Comment A parent with parental responsibilities and rights (PRRs) has both the responsibility and right to act as the child’s legal representative, in accordance with section 1(1)(d) of the Children (Scotland) Act 1995. Please note: Not all parents have PRRs – unmarried fathers who didn’t jointly register the birth with the mother or register an agreement with the mother don’t have PRRs and the court can remove PRRs from a parent.

The court can also appoint a curator ad litem to represent the interests of a person who lacks capacity, such as a child under 16- s. 1(3)(f)(ii) of the Age of Legal Capacity (Scotland) Act 1991 (<https://www.legislation.gov.uk/ukpga/1991/50/section/1>). Curators ad litem are usually legal professionals but don’t have to be (a social worker may perhaps carry out the role too).

### 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 The Age of Criminal Responsibility (Scotland) Act 2019 raised the age of criminal responsibility in Scotland from 8 to 12 years old. This means that children under 12 can no longer be charged, arrested or prosecuted for committing a crime. The Act removed the ability to refer a child to a children's hearing on offence grounds; it is only possible for a child under 12 to be referred to a children's hearing on welfare and protection grounds.

### 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)

- 12
- NA
- NAP

#### Criminal liability resulting in sentence of privation of liberty

- 12
- 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? Safeguards in the Act make sure that when a child under 12 causes harm to others, care and justice agencies can act quickly and appropriately to protect those involved.

Supports that exist now to manage harmful behaviour will remain in place (early and effective interventions (EEI), referral to the Reporter, community support: school, social work, 3rd sector, mental health and wellbeing support).

The Act provides for specific measures in the most serious of cases (taking of forensics, interviews and search), to enable an incident to be fully investigated by the police, and also changes the disclosure regime such that any behaviour by a child under 12 cannot automatically be disclosed by the State in later life.

-

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

- Yes, but only if the offender is unknown
- Yes, but only if compensation could not be obtained from the offender
- Yes, in both situations
- No

Comment Further guidance can be found on their website –[www.cica.gov.uk](http://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

**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

**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

**034. Is there a regular monitoring (official studies, reports etc.) allowing the evaluation of 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. Prosecutors may also apply to the court for a Non-harassment Order following the conviction of an individual for an offence involving misconduct towards a person or persons.

**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. Prosecutors may also apply to the court for a Non-harassment Order following the conviction of an individual for an offence involving misconduct towards a person or persons.

**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 of compensation in the following circumstances:**

	Number of requests for compensation	Number of compensations granted	Total amount of compensations granted (in €)
<b>Total</b>	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 044 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Excessive length of proceedings</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Non-execution of court decisions</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Wrongful arrest/detention</b>	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 458 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Wrongful conviction</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other</b>	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 586 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the

compensation (e.g., the amount per day for unjustified detentions or convictions): Wrongful arrest/detention amount granted (£2180)

comment: This value is in relation to settlement of 3 compensation requests. 2 requests are still live.

Other - 'Other' is defined as an administrative court error which has negatively impacted a court user.

Other amount granted (£3180) comment: This value is in relation to the settlement of 2 compensation requests. 1 request is still live.

**037-1. Please specify which authorities are responsible for dealing with the requests and whether a legal time limit exists to deal with these requests:**

	Responsible authorities	Legal time limit
Court concerned	[ ]	[ ]
Other court	[ ]	[ ]
Ministry of Justice	[ ]	[ ]
High Judicial Council	[ ]	[ ]
Other external bodies (e.g. Ombudsman)	[ ]	[ ]

Comments NA

**037-2. Are there statistical data disaggregated by gender concerning the number of:**

	Existence of statistical data disaggregated by gender
Persons who initiate a case in other than criminal matters	<input type="checkbox"/> Yes - If yes, please specify for which categories of cases: [Comment] <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Victims recognised as such by the court	<input type="checkbox"/> Yes - If yes, please specify for which types of offences: [Comment] <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Perpetrators of criminal offences	<input checked="" type="checkbox"/> Yes - If yes, please specify for which types of offences: [Comment]% of all criminal cases registered (not split by offence/crime type) <input type="checkbox"/> No <input type="checkbox"/> NA

Comments

**037-3. Are there statistical data on the relation between the perpetrator of the criminal offence and the victim recognised by the court?**

Yes

No

If yes, please specify:

**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 checked="" 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 checked="" 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 checked="" 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"/> Annual <input checked="" 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 parties	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input checked="" 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 checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" 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 checked="" 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

NA

Comment - Please, indicate the references and links to the satisfaction surveys you mentioned above: Surveys for court staff - SCTS conduct an annual corporate People Survey that all of its organisations staff are asked to complete. Surveys for minors - SCTS do not currently request minors to take part in surveys due to difficulties in obtaining guardian consent to participate, this group is specifically excluded from the Court User Satisfaction Survey.

Other not mentioned - Whilst SCTS do not have oversight of all surveys, some court locations administer local ad hoc feedback surveys for court users usually jurors, but possibly other service user groups. 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, 2021-22/3 (Currently only Phase 1 Jury Trials published, Phases 2 and 3, Civil and Summary Criminal respectively, remain to be published once available).

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 Court User Satisfaction Survey has run as a biennial survey prior to 2019. Due to the Coronavirus pandemic the administering of the survey for the period 2021 – 2023 altered and a survey was conducted in each year (2021 – Jury Trials, 2022 – Civil, 2023 – Summary Criminal).

### 3. Organisation of the court system

#### 3.1. Courts

##### 3.1.1 Number of courts



#### 042. Number of courts - legal entities.

	Number of courts
<b>Total number of all courts - legal entities (1 + 2)</b>	80 [ ] NA [ ] NAP
<b>1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)</b>	78 [ ] NA [ ] NAP
<b>1.1 First instance courts of general jurisdiction - legal entities</b>	73 [ ] NA [ ] NAP
<b>1.2 Second instance courts of general jurisdiction - legal entities</b>	5 [ ] NA [ ] NAP
<b>1.3 Highest instance courts of general jurisdiction - legal entities</b>	[ ] NA [ X ] NAP
<b>2 Total number of specialised courts - legal entities</b>	2 [ ] NA [ ] NAP

Comments There are 39 sheriff courts and 34 Justice of the Peace courts.

1.2 TOTAL= 5; These are the High Court of Justiciary; the Sheriff Appeal Court; Court of Appeal (Inner House); Court of Appeal (criminal); and the Court of Session;

2. TOTAL=2 These are the All Scotland Personal Injury Court and the Scottish Land Court (the Scottish Land Court was erroneously omitted from the 2020 survey response).

#### 043. Number of specialised courts – legal entities.

	First instance	Higher instances
<b>Total number of specialised courts - legal entities</b>	2 [ ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>Commercial courts (excluded insolvency courts)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Insolvency courts</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP



<b>Labour courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Family courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Rent and tenancies courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Enforcement of criminal sanctions courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Fight against terrorism, organised crime and corruption</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Internet related disputes</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Administrative courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Insurance and / or social welfare courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Military courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Juvenile courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Other specialised courts</b>	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "Other specialised courts", please specify: ASPIC – All Scotland Personal Injury Court  
Scottish Land Court

#### 044. Number of courts - geographic locations.

	Number of courts (geographic locations)
<b>First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)</b>	44 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>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)</b>	47 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

#### 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)	200 [ ] NA [ ] NAP	145 [ ] NA [ ] NAP	55 [ ] NA [ ] NAP
1. Number of first instance professional judges	182 [ ] NA [ ] NAP	132 [ ] NA [ ] NAP	50 [ ] NA [ ] NAP
2. Number of second instance (court of appeal) professional judges	18 [ ] NA [ ] NAP	13 [ ] NA [ ] NAP	5 [ ] NA [ ] NAP
3. Number of Supreme Court professional judges	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comment - Please provide any useful comment for interpreting the data above: Judicial Office for Scotland: First Instance: Summary Sheriff 37, Sheriffs 117, Chairman and Members of the Scottish Land Court 4 and Senators Outer House 24. Appellate level: Sheriffs Principal 6 and Inner House Senators (including the Lord President and the Lord Justice Clerk) 12.

=

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

Yes

No

Comments

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

Child-care

Elderly care or other dependant persons' care

Training

For the purposes of early retirement

No specific reason required

Other reason, please specify: To make long term changes to their sitting pattern.

Comments

046-1-3. If yes, what is the number of professional judges working part-time with reduced remuneration?

	Total	Males	Females
<b>Total (1 + 2 + 3)</b>	11 [ ] NA [ ] NAP	5 [ ] NA [ ] NAP	6 [ ] NA [ ] NAP
<b>1. At first instance level</b>	11 [ ] NA [ ] NAP	5 [ ] NA [ ] NAP	6 [ ] NA [ ] NAP
<b>2. At second instance (court of appeal) level</b>	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. At Supreme Court level</b>	[ ] NA [X] NAP	[ ] NA [X] NAP	[ ] NA [X] NAP

Comments

**046-1-4. Are there other possibilities (apart from part-time) for regular adjustment of working time or conditions with or without reduced remuneration?**

	Adjustment of working time or conditions with or without reduced remuneration
<b>Temporary reduction of the workload</b>	( X ) Yes ( ) No
<b>Temporary reduction of the working time / special leave</b>	( X ) Yes ( ) No
<b>Other measures</b>	( X ) Yes ( ) No

Comment: If such possibilities for regular adjustment exist, please specify if they imply or not a reduction of the remuneration? No reduction in remuneration.

**046-1-5. If yes, please specify in which situation(s) these possibilities can be used?**

- Child-care
- Elderly care or other dependant persons' care
- Training
- For the purposes of early retirement
- As part of induction process for new judges
- No specific reason required
- Other reason, please specify: Authorised leave granted by Senior Judge
- NAP

Comments

=

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

Total	Civil and/or commercial	Criminal	Administrative	Other

<b>Total number of judges</b>	<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
<b>First instance</b>	<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
<b>Second instance</b>	<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
<b>Supreme Court</b>	<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

If "Other", please explain which types of cases:

=

**047. Number of court presidents .**

	<b>Total</b>	<b>Males</b>	<b>Females</b>
<b>Total number of court presidents (1 + 2 + 3)</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Number of first instance court presidents</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Number of second instance (court of appeal) court presidents</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Number of Supreme Court presidents</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> 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):**

	<b>Figure</b>
<b>Gross figure</b>	50 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In full-time equivalent</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If necessary, please provide comments to explain the answer provided: 32 part-time sheriffs and 18 part-time summary sheriffs provide cover on an ad-hoc basis when required. Bookings are either one day at a time or long term bookings.

**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. ....

No

NAP

Comments

**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	350 <input type="checkbox"/> NA <input type="checkbox"/> NAP
In full time equivalent	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Judicial Office for Scotland comment: Justices of the Peace are lay judges that deal with minor criminal offences. There are circa 350 justices of the peace.

**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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Criminal cases (misdemeanour and/or minor)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Labour law cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Social law cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Commercial law cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Insolvency cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other civil cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

NAP

Comments - If “Other civil cases”, please specify: Justices of the Peace are lay magistrates who sit with a legally qualified advise to deal with summary criminal cases.

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

Yes

No

Comments

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

Criminal cases

Other than criminal cases

Comments

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

[            ]

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
<b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>	1 963 <input type="checkbox"/> NA <input type="checkbox"/> NAP	628 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 335 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Rechtspfleger (or similar bodies) (see Explanatory Note)</b>	<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
<b>2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case preparation, assistance during the hearing, helping to draft the decisions)</b>	179 <input type="checkbox"/> NA <input type="checkbox"/> NAP	61 <input type="checkbox"/> NA <input type="checkbox"/> NAP	118 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>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)</b>	1 693 <input type="checkbox"/> NA <input type="checkbox"/> NAP	504 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 189 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Technical staff</b>	91 <input type="checkbox"/> NA <input type="checkbox"/> NAP	63 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Other non-judge staff</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "Other non-judge staff", please specify: Explanation of the changed methodology for answering this question: only Law Clerks who are part of our Judicial Office, Sheriffdom Legal Assessors and Legal Assessors should be included in section 2 as they have a direct working relationship with Judges. Staff under section 3, although are based in Court buildings, do not have a direct relationship with Judges but carry out administrative tasks for the management of the Courts.

**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
<b>Total non-judge staff working in courts (1+2+3)</b>	<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
<b>1. Total non-judge staff working in courts at first instance level</b>	<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
<b>2. Total non-judge staff working in courts at second instance (court of appeal) level</b>	<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
<b>3. Total non-judge staff working in courts at Supreme Court level</b>	<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

=

**053. If there are Rechtspfleger (or similar bodies), 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)
- NAP

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

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

- Yes
- No

Comments

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

- IT services
- Training of staff
- Security
- Archives
- Cleaning

Other types of services (please specify):catering services

Comments - If "Other types of services", please specify:

NA

### 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.)

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	672 <input type="checkbox"/> NA <input type="checkbox"/> NAP	215 <input type="checkbox"/> NA <input type="checkbox"/> NAP	457 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of prosecutors at first instance level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of prosecutors at second instance (court of appeal) level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Number of prosecutors at Supreme Court level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please indicate any useful comment for interpreting the data above: COPFS HR COMMENT: the increase in FTE numbers is as a result of increased recruitment over the last few years

=

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(s) part-time work can be granted? (multiple replies possible)

Child-care

Elderly care or other dependant persons' care

Training



For the purposes of early retirement

No specific reason required

Other reason, please specify: .....

Comments

**055-1-3. If yes, what is the number of prosecutors working part-time with reduced remuneration?**

	Total	Males	Females
<b>Total (1 + 2 + 3)</b>	139 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP	128 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. At first instance level</b>	<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
<b>2. At second instance (court of appeal) level</b>	<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
<b>3. At Supreme Court level</b>	<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

**055-1-4. Are there other possibilities (apart of part-time work) for regular adjustment of working time or conditions with or without reduced remuneration?**

	Adjustment of working time or conditions with or without reduced remuneration
<b>Temporary reduction of the workload</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Temporary reduction of the working time / special leave</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Other measures</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comment: If such possibilities for regular adjustment exist, please specify if they imply or not a reduction of the remuneration? All adjustments are discussed and reasons for taking these are had with line managers within 1-2-1 conversations and evaluated on a case by case basis which could include any of those reasons below and others.

**055-1-5 . If yes, please specify in which situation(s) these possibilities can be used?**

Child-care

Elderly care or other dependant persons' care

Training

For the purposes of early retirement

As part of induction process for new prosecutors

No specific reason required

Other reason, please specify: any of those reasons above and others

NAP

Comments

**056. Number of heads of prosecution offices.**

	<b>Total</b>	<b>Males</b>	<b>Females</b>
<b>Total number of heads of prosecution offices (1 + 2 + 3)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Number of heads of prosecution offices at first instance level</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Number of heads of prosecution offices at Supreme Court level</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> 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. In your judicial system, do other persons have similar duties to those of public prosecutors?**

Yes

No

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

**057-1. If yes, please provide the 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?**

-
---

<b>Domestic violence</b>	<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
<b>Sexual violence</b>	<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 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).**

	<b>Total</b>	<b>Males</b>	<b>Females</b>
<b>Number of staff (non-public prosecutors) attached to the public prosecution service</b>	1 596 <input type="checkbox"/> NA	472 <input type="checkbox"/> NA	1 124 <input type="checkbox"/> NA

Comment – please describe which categories of staff you have included in your reply: Administrative staff, case preparation staff and trainee solicitors.

COPFS HR comment: the increase in FTE numbers is as a result of increased recruitment over the last few years.

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

Sources: COPFS
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**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
---------------------	----

<b>judges</b>	( X ) see comment box	( )
<b>prosecutors</b>	( 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. Ensuring balance of male/female panel members on interviews; annual review of recruitment equality stats.	( )
<b>non-judge staff</b>	( X ) ensuring balance of male/female panel members on interviews; annual review of recruitment equality statistics	( )
<b>lawyers</b>	( 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.	( )
<b>notaries</b>	( 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.	( )
<b>enforcement agents</b>	( 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 :**

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

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

**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 )

<b>The promotion of non-judge staff</b>	( )	( X )
---	-----	-------

Comments - Please specify the status of this person/institution and if it has a consultative function or if its opinions/decisions have legal consequences: The recruitment/promotion of judges - Judicial Office for Scotland: the Judicial Appointments Board for Scotland 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.

### 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
<b>in courts (judges)</b>	( X )	( )
<b>in public prosecution services (prosecutors)</b>	( X )	( )
<b>for courts' non-judge staff</b>	( )	( X )

Comments - Please specify the details of this person/institution, in particular its titles and function: In public prosecution services (prosecutors) - Judicial Appointments Board for Scotland (JABS)

**061-9. In order to improve gender balance in access to different judicial professions and gender 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/lawscotpop/#:~:text=The%20Profile%20of%20the%20Profession%20is%20our%20major,future%20policy%20work%20and%20how%20we%20support%20members.> -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-202223/>

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. n/a

NAP

**061-10. Are there evaluation studies or official reports regarding the main causes of possible gender 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. COPFS: In COPFS, the majority of staff are female. In some departments, there is a lower percentage of females, attributed to a lack of female applicants for certain roles.

SCTS/Judicial Office for Scotland: the Judicial Appointments Board for Scotland 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.

**3.5. Use of information technologies in courts**

**3.5.1 Governance**

**ICT STRATEGY**

**062-01. Do you have an overall Information and Communication Technology (ICT) strategy in the judicial system?**

Yes

No

Comments Digital Strategy in place for the Scottish Courts and Tribunals Service, and stronger discussions under way for all judicial partner strategy cross working groups

**062-02. If there is an overall ICT strategy in the judicial system, who was involved in the process of its definition?**

- Judges (Judicial council)
- Prosecutors (Prosecutorial or judicial council)
- Ministry of justice



- Lawyers (bar association)
- Notaries (association of notaries)
- Enforcement agents (association of enforcement agents)
- Other (please specify) please see comment box
  - NA
  - NAP

Comments Scottish Courts and Tribunals Service has its own IT systems and policies. The judiciary are involved in the testing of new IT systems, such as ICMS – which is the civil platform used for case management.

## LEGISLATION

### 062-03. Does a national legislation/regulation of ICT in the judicial system exist?

- Yes
- No

Comments

### 062-04. If yes, how is this legislation/regulation of ICT in the judicial system structured?

- Relevant norms are included in the general e-government legislation/regulation
- Relevant norms are included in specific legislation/regulation only for the judicial system
- Relevant texts are included in dedicated technical documents/specifications
- Other, please specify please see comments box
- NA

Comment - If more than one of the proposed models exist in your country, please select them all and explain the details At a national level, the Digital Assurance Office (DAO) in the Scottish Government is responsible for the assurance of new digital public services and new investments in technology. The Technology Assurance Framework (<https://www.gov.scot/policies/digital/technology-assurance-framework/>) is designed to improve the delivery of digital solutions (business as usual activity is not covered by the Framework). New digital services should comply with the Digital Scotland Service Standard (<https://www.gov.scot/publications/digital-scotland-service-standard/>). The SCTS shares regular reports with the DAO on key digital projects / investments it is delivering in the justice sector.

NA

## IMPACT OF IMPLEMENTATION OF ICT SYSTEMS

### 062-05. Have you already organised audits/evaluations/assessments of the impact of the implementation of the ICT system?

- Yes
- No

Comments

### 062-06. If these audits/evaluations/assessments were already organised, please specify their modalities:

Format	Last conducted audit

<b>ICT Governance</b>	<input checked="" type="checkbox"/> Internal <input checked="" type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA	<input checked="" type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA
<b>Security and risk management</b>	<input checked="" type="checkbox"/> Internal <input checked="" type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA	<input checked="" type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA
<b>Impact on efficiency and quality of the business processes and workflow</b>	<input checked="" type="checkbox"/> Internal <input checked="" type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA	<input checked="" type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA
<b>Impact on human resources (number, workload, wellbeing)</b>	<input checked="" type="checkbox"/> Internal <input checked="" type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA	<input checked="" type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input type="checkbox"/> NA
<b>Other, please specify in comments</b>	<input type="checkbox"/> Internal <input type="checkbox"/> External <input type="checkbox"/> NAP - no audit has been organised <input checked="" type="checkbox"/> NA	<input type="checkbox"/> In the last 2 years <input type="checkbox"/> Between 2 and 5 years ago <input type="checkbox"/> More than 5 years ago <input type="checkbox"/> NAP - no audit has been organised <input checked="" type="checkbox"/> NA

Comment - If you have selected other area, please provide details. Please also add details on the content of the last organised evaluation. SG Digital Assurance Office reviews SCTS digital investment projects including user requirement / service provision / right technology governance etc.

**062-07. If these audits/evaluations/assessments were organised in the last 5 years, how did you apply their recommendations/results?**

- Update applications
- Define new ICT projects/modules
- Adjust legislation
- Adjust working processes
- Withdraw/stop use of a module/application
- Reporting purpose only
- Other, please specify .....

Comments

### 3.5.2 Electronic case processing

#### ELECTRONIC SUBMISSION OF CASES

062-08. If it is possible to submit a case to a court electronically, what are the deployment and usage rates?

	Deployment rate	Usage rate
<b>Civil</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input checked="" type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input checked="" type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input checked="" type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input checked="" type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic submission is not possible <input type="checkbox"/> NA

Comments

062-09. If it is possible to submit a case to a court electronically, please specify the modalities:

Electronic or paper	Possible to be submitted electronically by:	Data integration
---------------------	---	------------------

<b>Civil</b>	<input checked="" type="checkbox"/> Paper submission is still possible <input type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way) <input type="checkbox"/> Double submission (paper must accompany the electronic submission) <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> The data are electronically transferred to the Case Management System (CMS) <input checked="" type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> Paper submission is still possible <input type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way) <input type="checkbox"/> Double submission (paper must accompany the electronic submission) <input type="checkbox"/> NAP – electronic submission is not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Lawyer <input type="checkbox"/> Party not represented by a lawyer <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – electronic submission is not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> The data are electronically transferred to the Case Management System (CMS) <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic submission is not possible <input checked="" type="checkbox"/> NA
<b>Criminal</b>	<input checked="" type="checkbox"/> Paper submission is still possible <input type="checkbox"/> Paper submission is not possible anymore (electronic submission is the only way) <input type="checkbox"/> Double submission (paper must accompany the electronic submission) <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA	<input type="checkbox"/> Lawyer <input type="checkbox"/> Party not represented by a lawyer <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> The data are electronically transferred to the Case Management System (CMS) <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic submission is not possible <input type="checkbox"/> NA

Comments Other / Criminal / Possible to be submitted electronically by: Public Prosecutor

## SENDING ELECTRONIC DOCUMENTS TO COURT



062-10. If it is possible to send case-related documents to the courts electronically, what are the deployment and usage rates?

	Deployment rate	Usage rate
<b>Civil</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input checked="" type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input checked="" type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic delivery is not possible <input checked="" type="checkbox"/> NA

Comments

062-11. If it is possible to send electronically case related documents to the courts, please specify the modalities:

Electronic or paper	Possible to be submitted electronically by:	Data integration
---------------------	---	------------------

<b>Civil</b>	<input checked="" type="checkbox"/> Paper delivery is still possible <input type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way) <input type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one) <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Documents sent by a lawyer <input checked="" type="checkbox"/> Documents sent by a party not represented by a lawyer <input checked="" type="checkbox"/> Documents sent by another person/institution <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> The data are electronically transferred to the CMS <input checked="" type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic delivery is not possible <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> Paper delivery is still possible <input type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way) <input type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one) <input type="checkbox"/> NAP – electronic delivery is not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Documents sent by a lawyer <input type="checkbox"/> Documents sent by a party not represented by a lawyer <input type="checkbox"/> Documents sent by another person/institution <input type="checkbox"/> NAP – electronic delivery is not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> The data are electronically transferred to the CMS <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic delivery is not possible <input checked="" type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> Paper delivery is still possible <input type="checkbox"/> Paper delivery is not possible anymore (electronic delivery is the only way) <input type="checkbox"/> Double delivery (Paper delivery must accompany the electronic one) <input type="checkbox"/> NAP – electronic delivery is not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Documents sent by a lawyer <input type="checkbox"/> Documents sent by a party not represented by a lawyer <input type="checkbox"/> Documents sent by another person/institution <input type="checkbox"/> NAP – electronic delivery is not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> The data are electronically transferred to the CMS <input type="checkbox"/> The data are manually re-entered in the CMS <input type="checkbox"/> NAP – electronic delivery is not possible <input checked="" type="checkbox"/> NA

Comment - If you have selected the option “Documents sent by another person/institution”, please specify details.

## ELECTRONIC NOTIFICATIONS

**062-12. If it is possible for courts to send electronic notifications, what are the deployment and usage rates?**

Deployment rate	Usage rate
-----------------	------------

<b>Civil</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input checked="" type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input checked="" type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input checked="" type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input checked="" type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - electronic notifications are not possible <input type="checkbox"/> NA

Comments

**062-13. If it is possible for courts to send electronic notifications, please specify the modalities:**

	<b>Electronic or paper</b>	<b>Type of notification</b>	<b>Data integration</b>
<b>Civil</b>	<input checked="" type="checkbox"/> Paper notification is still possible <input type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way) <input type="checkbox"/> Double notification (paper notification must accompany the electronic one) <input type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Notifications sent by the court to the lawyer <input checked="" type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer <input checked="" type="checkbox"/> Notifications with attached official documents sent by the courts <input checked="" type="checkbox"/> Notifications sent to other persons/institutions <input type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> The electronic notification is generated from the CMS <input checked="" type="checkbox"/> The electronic notification is manually generated <input type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA

<b>Administrative</b>	<input type="checkbox"/> Paper notification is still possible <input type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way) <input type="checkbox"/> Double notification (paper notification must accompany the electronic one) <input type="checkbox"/> NAP – electronic notifications are not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Notifications sent by the court to the lawyer <input type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer <input type="checkbox"/> Notifications with attached official documents sent by the courts <input type="checkbox"/> Notifications sent to other persons/institutions <input type="checkbox"/> NAP – electronic notifications are not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> The electronic notification is generated from the CMS <input type="checkbox"/> The electronic notification is manually generated <input type="checkbox"/> NAP – electronic notifications are not possible <input checked="" type="checkbox"/> NA
<b>Criminal</b>	<input checked="" type="checkbox"/> Paper notification is still possible <input type="checkbox"/> Paper notification is not possible anymore (electronic notification is the only way) <input checked="" type="checkbox"/> Double notification (paper notification must accompany the electronic one) <input type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA	<input type="checkbox"/> Notifications sent by the court to the lawyer <input type="checkbox"/> Notifications sent by the court to the party not represented by a lawyer <input type="checkbox"/> Notifications with attached official documents sent by the courts <input checked="" type="checkbox"/> Notifications sent to other persons/institutions <input type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA	<input type="checkbox"/> The electronic notification is generated from the CMS <input type="checkbox"/> The electronic notification is manually generated <input type="checkbox"/> NAP – electronic notifications are not possible <input type="checkbox"/> NA

Comment - If you have selected the option “Notifications sent to other persons/institutions”, please specify details.

## CONSULTATION OF A CASE ONLINE

**062-14. If it is possible for external users to consult a case online, what are the deployment and usage rates?**

Deployment rate	Usage rate
-----------------	------------



<b>Civil</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input checked="" type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input checked="" type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input checked="" type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - online consultation is not possible <input type="checkbox"/> NA

Comments

**062-15. If it is possible for external users to consult a case online, please specify the modalities:**

	<b>Content</b>	<b>Access</b>	<b>Consultation format</b>
<b>Civil</b>	<input checked="" type="checkbox"/> Case status <input checked="" type="checkbox"/> Documents <input checked="" type="checkbox"/> Notifications <input checked="" type="checkbox"/> Events/calendar <input checked="" type="checkbox"/> Court decision <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Lawyer <input checked="" type="checkbox"/> Party not represented by a lawyer <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Electronic access at the court premises <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA

<b>Administrative</b>	<input type="checkbox"/> Case status <input type="checkbox"/> Documents <input type="checkbox"/> Notifications <input type="checkbox"/> Events/calendar <input type="checkbox"/> Court decision <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Lawyer <input type="checkbox"/> Party not represented by a lawyer <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Electronic access at the court premises <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input checked="" type="checkbox"/> NA
<b>Criminal</b>	<input checked="" type="checkbox"/> Case status <input type="checkbox"/> Documents <input type="checkbox"/> Notifications <input checked="" type="checkbox"/> Events/calendar <input checked="" type="checkbox"/> Court decision <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA	<input type="checkbox"/> Lawyer <input type="checkbox"/> Party not represented by a lawyer <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA	<input type="checkbox"/> Electronic access at the court premises <input checked="" type="checkbox"/> Other, please specify <input type="checkbox"/> NAP – online consultation is not possible <input type="checkbox"/> NA

Comment - If you have selected the option “Other”, please specify details. Other: Social work, police, victim support.

## REMOTE HEARINGS

062-16. If it is possible to organise remote hearings what are the deployment and usage rates?

	Deployment rate	Usage rate
<b>Civil</b>	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - remote hearings are not possible <input checked="" type="checkbox"/> NA

<b>Criminal</b>	<input type="checkbox"/> 95-100 %	<input type="checkbox"/> 95-100 %
	<input type="checkbox"/> 75-95 %	<input type="checkbox"/> 75-95 %
	<input type="checkbox"/> 50-75 %	<input type="checkbox"/> 50-75 %
	<input type="checkbox"/> 25-50 %	<input type="checkbox"/> 25-50 %
	<input type="checkbox"/> 1-25 %	<input type="checkbox"/> 1-25 %
	<input type="checkbox"/> 0 %	<input type="checkbox"/> 0 %
	<input type="checkbox"/> NAP - remote hearings are not possible	<input type="checkbox"/> NAP - remote hearings are not possible
	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA

Comments SCTS.

**062-17. If it is possible to organise remote hearings, please specify the functionalities and modalities:**

	<b>Functionalities</b>	<b>Modalities</b>
<b>Civil</b>	<input checked="" type="checkbox"/> Dedicated tool specially designed for the use by courts <input checked="" type="checkbox"/> Publicly available tools used by courts <input checked="" type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers <input type="checkbox"/> Tools for witness protection (voice distortion, picture distortion) <input type="checkbox"/> Tools for simultaneous interpretation <input type="checkbox"/> Tools for automatic subtitling (speech-to-text) <input type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Agreement of the parties is needed <input checked="" type="checkbox"/> The judge can impose a remote hearing <input type="checkbox"/> NAP – remote hearings are not possible <input type="checkbox"/> NA

<p><b>Administrative</b></p>	<p><input checked="" type="checkbox"/> Dedicated tool specially designed for the use by courts</p> <p><input checked="" type="checkbox"/> Publicly available tools used by courts</p> <p><input checked="" type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers</p> <p><input type="checkbox"/> Tools for witness protection (voice distortion, picture distortion)</p> <p><input type="checkbox"/> Tools for simultaneous interpretation</p> <p><input type="checkbox"/> Tools for automatic subtitling (speech-to-text)</p> <p><input type="checkbox"/> NAP – remote hearings are not possible</p> <p><input type="checkbox"/> NA</p>	<p><input checked="" type="checkbox"/> Agreement of the parties is needed</p> <p><input checked="" type="checkbox"/> The judge can impose a remote hearing</p> <p><input type="checkbox"/> NAP – remote hearings are not possible</p> <p><input type="checkbox"/> NA</p>
<p><b>Criminal</b></p>	<p><input checked="" type="checkbox"/> Dedicated tool specially designed for the use by courts</p> <p><input checked="" type="checkbox"/> Publicly available tools used by courts</p> <p><input checked="" type="checkbox"/> Organisation of private sessions within online hearings for consultation between parties and their lawyers</p> <p><input type="checkbox"/> Tools for witness protection (voice distortion, picture distortion)</p> <p><input type="checkbox"/> Tools for simultaneous interpretation</p> <p><input type="checkbox"/> Tools for automatic subtitling (speech-to-text)</p> <p><input type="checkbox"/> NAP – remote hearings are not possible</p> <p><input type="checkbox"/> NA</p>	<p><input checked="" type="checkbox"/> Agreement of the parties is needed</p> <p><input checked="" type="checkbox"/> The judge can impose a remote hearing</p> <p><input type="checkbox"/> NAP – remote hearings are not possible</p> <p><input type="checkbox"/> NA</p>

Comments

**ELECTRONIC ARCHIVES**



**062-18. If electronic archives of cases exist, what are the deployment and usage rates?**

<p><b>Deployment rate</b></p>	<p><b>Usage rate</b></p>
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<b>Civil</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - electronic archives do not exist <input type="checkbox"/> NA

Comments

**062-19. If an electronic archive of cases exists, please specify the modalities:**

	<b>Electronic or paper</b>
<b>Civil</b>	<input type="checkbox"/> Paper archiving is still possible <input type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way) <input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one) <input checked="" type="checkbox"/> NAP – electronic archives do not exist <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> Paper archiving is still possible <input type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way) <input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one) <input checked="" type="checkbox"/> NAP – electronic archives do not exist <input type="checkbox"/> NA

<b>Criminal</b>	<input type="checkbox"/> Paper archiving is still possible <input type="checkbox"/> Paper archiving is not possible anymore (electronic archiving is the only way) <input type="checkbox"/> Double archiving (paper archiving must accompany the electronic one) <input checked="" type="checkbox"/> NAP – electronic archives do not exist <input type="checkbox"/> NA
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Comments

### 3.5.3 Tools

## CASE MANAGEMENT SYSTEMS (CMS)

062-20. If one or more case management system(s) (CMS) exist, what are the deployment and usage rates?

	Deployment rate	Usage rate
<b>Civil</b>	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input checked="" type="checkbox"/> NA
<b>Criminal</b>	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - CMS does not exist <input type="checkbox"/> NA

Comments

062-21. If one or more case management system(s) (CMS) exist, please specify the functionalities of these system(s):

	<b>Functionalities</b>
<b>Civil</b>	<input checked="" type="checkbox"/> Centralised and/or interoperable CMS databases <input checked="" type="checkbox"/> Active case management dashboard <input type="checkbox"/> Random allocation of cases <input type="checkbox"/> Case weighting <input checked="" type="checkbox"/> Identification of a case between instances (unique or linked id number) <input checked="" type="checkbox"/> Electronic transfer of a case to another instance/court <input checked="" type="checkbox"/> Anonymisation of decisions to be published <input checked="" type="checkbox"/> Interoperability with other systems (civil register, tax register, insolvency register) <input checked="" type="checkbox"/> Access to closed/resolved cases <input checked="" type="checkbox"/> Advanced search engine <input type="checkbox"/> Protected log files <input checked="" type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – CMS does not exist <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> Centralised and/or interoperable CMS databases <input type="checkbox"/> Active case management dashboard <input type="checkbox"/> Random allocation of cases <input type="checkbox"/> Case weighting <input type="checkbox"/> Identification of a case between instances (unique or linked id number) <input type="checkbox"/> Electronic transfer of a case to another instance/court <input type="checkbox"/> Anonymisation of decisions to be published <input type="checkbox"/> Interoperability with other systems (civil register, tax register, insolvency register) <input type="checkbox"/> Access to closed/resolved cases <input type="checkbox"/> Advanced search engine <input type="checkbox"/> Protected log files <input type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – CMS does not exist <input checked="" type="checkbox"/> NA

Comment - If you have selected the option “Other special functionality”, because of its importance please specify details.

062-22. If one or more case management system(s) (CMS) exist, please specify the functionalities of these system(s):

	Functionalities
Criminal	<input checked="" type="checkbox"/> Centralised and/or interoperable CMS databases <input type="checkbox"/> Active case management dashboard <input type="checkbox"/> Random allocation of cases <input type="checkbox"/> Case weighting <input checked="" type="checkbox"/> Identification of a case between instances (unique or linked id number) <input checked="" type="checkbox"/> Electronic transfer of a case to another instance/court <input type="checkbox"/> Anonymisation of decisions to be published <input checked="" type="checkbox"/> Interoperability with prosecution system <input checked="" type="checkbox"/> Interoperability with other systems (civil register, tax register, insolvency register) <input checked="" type="checkbox"/> Access to closed/resolved cases <input type="checkbox"/> Advanced search engine <input checked="" type="checkbox"/> Protected log files <input checked="" type="checkbox"/> Electronic signature <input checked="" type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – CMS does not exist <input type="checkbox"/> NA

Comment - If you have selected the option “Other special functionality”, please specify the details. Other include online fine payments, automated DWP payments, Court Rolls.

## WRITING ASSISTANCE TOOLS

062-23. If writing assistance tools exist in courts, what are their deployment and usage rates?

	Deployment rate	Usage rate
Civil	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA



<b>Administrative</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - writing assistance tools do not exist <input checked="" type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input checked="" type="checkbox"/> NAP - writing assistance tools do not exist <input type="checkbox"/> NA

Comments

**062-24. If writing assistance tools exist in courts, please describe their functionalities:**

	<b>Functionalities</b>
<b>Civil</b>	<input type="checkbox"/> Templates <input type="checkbox"/> Automatically generated text <input type="checkbox"/> Automatically suggested decision <input type="checkbox"/> Speech-to-text <input type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input checked="" type="checkbox"/> NAP – writing assistance tools do not exist <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> Templates <input type="checkbox"/> Automatically generated text <input type="checkbox"/> Automatically suggested decision <input type="checkbox"/> Speech-to-text <input type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – writing assistance tools do not exist <input checked="" type="checkbox"/> NA

<b>Criminal</b>	<input type="checkbox"/> Templates <input type="checkbox"/> Automatically generated text <input type="checkbox"/> Automatically suggested decision <input type="checkbox"/> Speech-to-text <input type="checkbox"/> Electronic signature <input type="checkbox"/> Other special functionality, please specify <input checked="" type="checkbox"/> NAP – writing assistance tools do not exist <input type="checkbox"/> NA
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Comment - If you have selected the option “Other special functionality”, please specify the details.

## RECORDING OF COURT HEARINGS

**062-25. If a tool to record court hearings exists, what are the deployment and usage rates?**

	Deployment rate	Usage rate
<b>Civil</b>	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input checked="" type="checkbox"/> NA
<b>Criminal</b>	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input checked="" type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there is no tool for recording hearings <input type="checkbox"/> NA

Comments

**062-26. If a tool to record court hearings exist, please specify its functionalities:**

<b>Functionalities</b>
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<p><b>Civil</b></p>	<p><input checked="" type="checkbox"/> Audio recording  <input checked="" type="checkbox"/> Video recording  <input checked="" type="checkbox"/> Systematic recording for all hearings  <input checked="" type="checkbox"/> Automatically indexed recording  <input checked="" type="checkbox"/> Automatic transcript from recording  <input checked="" type="checkbox"/> Possibility to request a copy of the recording  <input type="checkbox"/> Other special functionality, please specify  <input type="checkbox"/> NAP – there is no tool for recording hearings  <input type="checkbox"/> NA</p>
<p><b>Administrative</b></p>	<p><input type="checkbox"/> Audio recording  <input type="checkbox"/> Video recording  <input type="checkbox"/> Systematic recording for all hearings  <input type="checkbox"/> Automatically indexed recording  <input type="checkbox"/> Automatic transcript from recording  <input type="checkbox"/> Possibility to request a copy of the recording  <input type="checkbox"/> Other special functionality, please specify  <input type="checkbox"/> NAP – there is no tool for recording hearings  <input checked="" type="checkbox"/> NA</p>
<p><b>Criminal</b></p>	<p><input checked="" type="checkbox"/> Audio recording  <input type="checkbox"/> Video recording  <input type="checkbox"/> Systematic recording for all hearings  <input type="checkbox"/> Automatically indexed recording  <input type="checkbox"/> Automatic transcript from recording  <input type="checkbox"/> Possibility to request a copy of the recording  <input type="checkbox"/> Other special functionality, please specify  <input type="checkbox"/> NAP – there is no tool for recording hearings  <input type="checkbox"/> NA</p>

Comment - If you have selected the option “Other special functionality”, please specify the details.

## DATABASE OF COURT DECISIONS

062-27. If there is a national database of court decisions, please provide the percentage of the decisions published at each instance.

Percentage of 1st instance decisions published	Percentage of 2nd instance decisions published	Percentage of Supreme court decisions published
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<b>Civil</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA
<b>Administrative</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA	<input type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - There is no database for these decisions <input checked="" type="checkbox"/> NA

Comments There is a Centralised Database of COurt decisions (SCTS cannot complete the table, offered an explanation): SCTS has it's own internal system which records decisions 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. There will be circumstances when a particular decision is not published in the interests of justice.

**062-28. If there is a national database of court decisions, please specify the modalities in publishing these decisions:**

	<b>1st instance</b>	<b>2nd instance</b>	<b>Supreme court</b>
<b>Civil</b>	<input type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP- There is no database for these decisions <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP- There is no database for these decisions <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP- There is no database for these decisions <input checked="" type="checkbox"/> NA

<b>Administrative</b>	<input type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input checked="" type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Published online (public website) <input type="checkbox"/> Published in an internal database <input type="checkbox"/> Other, please specify <input type="checkbox"/> NAP– There is no database for these decisions <input checked="" type="checkbox"/> NA

- If you have selected the option “Other” because the court decisions are published online in some other way than the presented modalities, please describe.

**062-29. If there is a database of court decisions at national level, what are the functionalities of this database?**

	<b>Functionalities</b>
<b>Civil</b>	<input type="checkbox"/> Automatic anonymisation <input type="checkbox"/> Manual anonymisation <input type="checkbox"/> Free public online access <input type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR) <input type="checkbox"/> Open data <input type="checkbox"/> Advanced search engine <input type="checkbox"/> Machine-readable content <input type="checkbox"/> Structured content <input type="checkbox"/> Metadata <input type="checkbox"/> European Case Law Identifier (ECLI) <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – There is no database for these decisions <input checked="" type="checkbox"/> NA

<b>Administrative</b>	<input type="checkbox"/> Automatic anonymisation <input type="checkbox"/> Manual anonymisation <input type="checkbox"/> Free public online access <input type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR) <input type="checkbox"/> Open data <input type="checkbox"/> Advanced search engine <input type="checkbox"/> Machine-readable content <input type="checkbox"/> Structured content <input type="checkbox"/> Metadata <input type="checkbox"/> European Case Law Identifier (ECLI) <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – There is no database for these decisions <input checked="" type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> Automatic anonymisation <input type="checkbox"/> Manual anonymisation <input type="checkbox"/> Free public online access <input type="checkbox"/> Link to the case law of the European Court of Human Rights (ECHR) <input type="checkbox"/> Open data <input type="checkbox"/> Advanced search engine <input type="checkbox"/> Machine-readable content <input type="checkbox"/> Structured content <input type="checkbox"/> Metadata <input type="checkbox"/> European Case Law Identifier (ECLI) <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – There is no database for these decisions <input checked="" type="checkbox"/> NA

Comment - If you have selected the option “Other special functionality”, please specify the details.

## STATISTICAL TOOLS

062-30. If there are statistical tools for analysing court case data, what is their deployment rate?

	Deployment rate
<b>Civil</b>	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there are no statistical tools <input type="checkbox"/> NA

<b>Administrative</b>	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there are no statistical tools <input type="checkbox"/> NA
<b>Criminal</b>	<input checked="" type="checkbox"/> 95-100 % <input type="checkbox"/> 75-95 % <input type="checkbox"/> 50-75 % <input type="checkbox"/> 25-50 % <input type="checkbox"/> 1-25 % <input type="checkbox"/> 0 % <input type="checkbox"/> NAP - there are no statistical tools <input type="checkbox"/> NA

Comments SCTS comment: Power BI is installed on some laptops that may do this and we have our ICMS case management system that is used to process civil business etc. But, centrally, our MIAT team do not use Power BI to analyse data so therefore deployment is marked as zero percent here.

There is another application that SCTS uses called TOAD, deployed on all MIAT laptops with a 100% deployment rate. TOAD enables SCTS to extract data from a case management system, accessing both civil and criminal CMS databases, which are utilised for preparing statistical reports and other related tasks.

**062-31. If there are statistical tools for analysing court case data, please describe their functionalities and the data available for statistical analysis:**

	<b>Functionalities</b>	<b>Data available for statistical analysis</b>
<b>Civil</b>	<input checked="" type="checkbox"/> Integration/connection with the CMS <input type="checkbox"/> Business intelligence software <input checked="" type="checkbox"/> Generation of predefined statistical reports <input checked="" type="checkbox"/> Generation of customised statistical reports <input type="checkbox"/> Internal page and/or dashboard <input type="checkbox"/> External page with statistics (public website) <input type="checkbox"/> Real-time data availability <input checked="" type="checkbox"/> Automatic consolidation of data at the national level <input type="checkbox"/> Other special functionality, please specify <input type="checkbox"/> NAP – there are no statistical tools <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Case flow data (number of incoming, resolved, pending) <input type="checkbox"/> Age of a pending case <input type="checkbox"/> Length of proceedings <input checked="" type="checkbox"/> Number of hearings <input type="checkbox"/> Cases per judge <input type="checkbox"/> Case weights <input type="checkbox"/> Number of parties in a case <input type="checkbox"/> Indicator of appeal <input type="checkbox"/> Result of the appeal <input type="checkbox"/> NAP– there are no statistical tools <input type="checkbox"/> NA

<b>Administrative</b>	<input type="checkbox"/> Integration/connection with the CMS <input type="checkbox"/> Business intelligence software <input type="checkbox"/> Generation of predefined statistical reports <input type="checkbox"/> Generation of customised statistical reports <input type="checkbox"/> Internal page and/or dashboard <input type="checkbox"/> External page with statistics (public website) <input type="checkbox"/> Real-time data availability <input type="checkbox"/> Automatic consolidation of data at the national level <input type="checkbox"/> Other special functionality, please specify <input checked="" type="checkbox"/> NAP – there are no statistical tools <input type="checkbox"/> NA	<input type="checkbox"/> Case flow data (number of incoming, resolved, pending) <input type="checkbox"/> Age of a pending case <input type="checkbox"/> Length of proceedings <input type="checkbox"/> Number of hearings <input type="checkbox"/> Cases per judge <input type="checkbox"/> Case weights <input type="checkbox"/> Number of parties in a case <input type="checkbox"/> Indicator of appeal <input type="checkbox"/> Result of the appeal <input checked="" type="checkbox"/> NAP– there are no statistical tools <input type="checkbox"/> NA
<b>Criminal</b>	<input type="checkbox"/> Integration/connection with the CMS <input type="checkbox"/> Business intelligence software <input type="checkbox"/> Generation of predefined statistical reports <input type="checkbox"/> Generation of customised statistical reports <input type="checkbox"/> Internal page and/or dashboard <input type="checkbox"/> External page with statistics (public website) <input type="checkbox"/> Real-time data availability <input type="checkbox"/> Automatic consolidation of data at the national level <input type="checkbox"/> Other special functionality, please specify <input checked="" type="checkbox"/> NAP – there are no statistical tools <input type="checkbox"/> NA	<input type="checkbox"/> Case flow data (number of incoming, resolved, pending) <input type="checkbox"/> Age of a pending case <input type="checkbox"/> Length of proceedings <input type="checkbox"/> Number of hearings <input type="checkbox"/> Cases per judge <input type="checkbox"/> Case weights <input type="checkbox"/> Number of parties in a case <input type="checkbox"/> Indicator of appeal <input type="checkbox"/> Result of the appeal <input checked="" type="checkbox"/> NAP– there are no statistical tools <input type="checkbox"/> NA

Comment - If you have selected the option “Other special functionality”, please specify the details SCTS: Civil reviewed and updated: Management information is derived from the case management system database. The management information analysis team (MIAT) take regular extracts of data from civil CMS to produce a suite of management information reports that allow local and national managers to evaluate monthly and annual business trends.

## OTHER TOOLS





**062-32. Is there any application for online court-related dispute resolution?**

Yes

No

Comments

**062-33. If yes, is there a maximum value over which online court-related dispute resolution cannot be organised?**

Yes, please specify the maximum value £5000

No

Comments

**062-34. If yes, can the online court-related dispute resolution be used in the following areas?**

Small claim litigation

Undisputed claim

Payment order

Misdemeanour criminal cases

Enforcement of civil cases

Other, please specify Only Simple Procedure Claims / Cases

Comment: Please describe the existing online procedures: This applies to Simple Procedure Claims. See guidance link:

<https://www.scotcourts.gov.uk/taking-action/simple-procedure/simple-procedure---what-happens-in-a-disputed-case>

You can dispute (defend) a Simple Procedure Claim online. However, SCTS doesn't offer any dispute resolution itself as that is out-with the court process (Mediation, where it is agreed to by both parties, this is arranged differently / externally across each Sheriffdom e.g. with an organisation or company. But, if a party does not wish to do mediation, the Sheriff may try to resolve the case via a case management discussion. If mediation is followed or explored, this is up to £5,000. If the amount is over £5,000, then the Ordinary Action rules apply.) The only option available is to defend the Simple Procedure Claim via Civil Online. All other action types are required to be defended by e-mailing documents to the court.

**062-35. Is there a computerised national record centralising all criminal convictions?**

Yes

No

Comments

**062-36. If yes, please specify the following information:**

The computerised record includes biometric data (ex. fingerprint data, picture)

The computerised record is linked to other European records of the same nature (ex. ECRIS)

The content is directly available through computerised means for judges and/or prosecutors (ex. interoperability with the CMS)

The content is directly available for purposes other than criminal (ex. civil and administrative matters)

The record contains conviction information on third-country nationals and stateless persons

Comments

**062-37. Is there a Document Management System (DMS) in the registry of courts?**

Yes

No

Comment: If yes, please provide details on the purposes and usage of this system.

### **062-38. In addition to the tools listed in the ICT section of this questionnaire does your judicial system use other innovative ICT tools?**

Yes

No

Comment: If yes, please list and describe these ICT tools. SCTS comment: Acceleration of the introduction of new tools and changes to legislations to implement e.g. Remote Jury Centres (RJC)'s

## **3.6. Performance and evaluation**

### **3.6.1 National policies applied in courts and public prosecution services**

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

Yes

No

Comments - If yes, please specify:

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

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

Comments

### **3.6.2 Measuring court/public prosecution services**

#### **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 Provided by: Head of Planning, Governance and Risk, SCTS

**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
<b>within the courts</b>	( X )	( )
<b>within the public prosecution services</b>	( X ) Key performance indicators measure percentage of cases reaching key stages within specific timescales.	( )

**073. Do you have a system to evaluate regularly court performance based on the monitored indicators of question 70?**

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: Monthly reports

**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 (multiple replies possible)?**

Identifying the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance)

Reengineering of internal procedures to increase efficiency

Other (please specify): .....

Comments

**073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based on the monitored indicators of question 70-1?**

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 (multiple replies possible)?**

Identifying the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance)

Reengineering of internal procedures to increase efficiency

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):please see comments 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):please see comments box

Comments

**3.6.3 Information regarding courts /public prosecution services activity**

**080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?**

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

No

Comments We provide key performance indicator data to the Criminal Justice Board (part of the Scottish Government) who collate data from across the Justice Sector.

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

Yes, on the internet (please provide the link)<https://scotcourts.gov.uk/official-statistics>

No, only internally (on an intranet website)

No

Comments

=

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

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

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 (please provide the link)<https://www.copfs.gov.uk/publications/case-processing-statistics-2018-to-2023/>

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 primarily intended):

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

Internet

Intranet (internal) website

Paper distribution

Comments

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

Annual

Less frequent

More frequent

Comments

=

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

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. for whom the report is primarily intended): Information on activity and targets included in Annual Accounts, laid before the Scottish Parliament.

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

Internet

Intranet (internal) website

Paper distribution

Comments Information on activity and targets included in 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

### 3.6.4 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 these 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 no targets defined

**083-1-1. What are the consequences for a judge if these targets are not met?**

	Consequences:
Without disciplinary procedure	<input type="checkbox"/> Warning by court's president <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment]
With disciplinary procedure	<input type="checkbox"/> Warning by court's president <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment]
-	<input type="checkbox"/> No consequences
-	<input checked="" type="checkbox"/> NAP (no targets defined)

Comments

#### 114. Is there a system of individual evaluation of the judges' work?

	Existence of a system of individual evaluation of the judges' work
Quantitative	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Qualitative	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comment: Please specify the criteria on which the assessment is based, the authority competent for carrying out the assessment, the purposes for which the results of the assessment are used:

#### 114-1. Please specify the frequency of this evaluation:

- Annual  
 Less frequent  
 More frequent  
 Different frequencies used, please specify: .....  
 NAP

=

#### 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

#### 083-3. Who is responsible for setting these 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 no targets defined

**083-3-1. What are the consequences for a prosecutor if these targets are not met?**

	Consequences:
<b>Without disciplinary procedure</b>	<input type="checkbox"/> Warning by head of prosecution <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment] <input checked="" type="checkbox"/> NAP
<b>With disciplinary procedure</b>	<input type="checkbox"/> Warning by head of prosecution <input type="checkbox"/> Temporary salary reduction <input type="checkbox"/> Reflected in the individual assessment <input type="checkbox"/> Other, please specify: [Comment] <input checked="" type="checkbox"/> NAP
<b>No consequences</b>	<input type="checkbox"/> No consequences <input checked="" type="checkbox"/> NAP

Comments no targets defined

**120. Is there a system of individual evaluation of the public prosecutors' work?**

	Existence of a system of individual evaluation of the public prosecutors' work
<b>Quantitative</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Qualitative</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comment: Please specify the criteria on which the assessment is based, the authority competent for carrying out the assessment, the purposes for which the results of the assessment are used: COPFS staff are subject to annual Performance Appraisal Reviews, including quarterly discussions throughout the year. Performance is judged against agreed individual objectives. The reviews are carried out by line managers. Staff identified as not performing adequately begin a Performance Improvement Process.

Additional comment: There are no departmental-wide quantitative objectives set for individual prosecutors. Each prosecutor's objectives are set individually, and may be quantitative, qualitative, both or neither, depending on individual circumstances. It is not really appropriate to answer either yes or no to this question.

**120-1. Please specify the frequency of this evaluation:**

- Annual
- Less frequent
- More frequent

( X ) Different frequencies used, please specify:Quarterly

[ ] NAP

Comments

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

Sources: 120 - COPFS

## 4.Fair trial

### 4.1.Principles

#### 4.1.1Principles 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 are:**

	-
<b>The total number of the initiated procedures in the reference year</b>	[ X ] NA [ ] NAP
<b>The total number of recusals pronounced in the reference year</b>	[ X ] NA [ ] NAP

Comment - Please, could you briefly specify:

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

For civil cases

For criminal cases

For administrative cases

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:

#### **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

[ X ] 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 etc.)?**

	Yes	No
Agreement on general arrangements	( X )	( )
Agreement in specific cases	( X )	( )

Comments 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
<b>Total of other than criminal law cases (1+2+3+4)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	[ X ] NA [ ] NAP	83 353 [ ] NA [ ] NAP	71 345 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>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)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

<b>2.2.1. Non litigious land registry cases</b>	<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
<b>2.2.2 Non-litigious business registry cases</b>	<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
<b>2.2.3. Other registry cases</b>	<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
<b>2.3. Other non-litigious cases</b>	<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
<b>3. Administrative law cases</b>	<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 type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Other cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	1 402 <input type="checkbox"/> NA <input type="checkbox"/> NAP	535 <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 Figures have increased as 2020 is a covid affected year.

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

. Figures in table at question 91 relate to Sheriff Court civil business, first instance at the Court of Session and also the first instance cases at the All-Scotland Personal Injury Court

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

. Sheriff Court - Liquidations and sequestrations

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of criminal law cases (1+2+3)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	85 859 <input type="checkbox"/> NA <input type="checkbox"/> NAP	99 671 <input type="checkbox"/> NA <input type="checkbox"/> NAP	27 406 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	6 877 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 801 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3 076 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>2. Misdemeanour and / or minor criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	78 982 <input type="checkbox"/> NA <input type="checkbox"/> NAP	91 870 <input type="checkbox"/> NA <input type="checkbox"/> NAP	24 330 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Other criminal cases</b>	<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 SCTs: Misdemeanour cases have been on a downward trend.

#### 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
<b>Total of other than criminal law cases (1+2+3+4)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	333 <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
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	333 <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
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	<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
<b>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)</b>	<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
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	<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
<b>2.2.1. Non litigious land registry cases</b>	<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
<b>2.2.2 Non-litigious business registry cases</b>	<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

<b>2.2.3. Other registry cases</b>	<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
<b>2.3. Other non-litigious cases</b>	<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
<b>3. Administrative law cases</b>	<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
<b>4. Other cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "Other cases" please specify

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

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
<b>Total of criminal law cases (1+2+3)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	812 <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
<b>1. Severe criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	521 <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
<b>2. Misdemeanour and / or minor criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	291 <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
<b>3. Other criminal cases</b>	<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: Appeal cases have been generally lower since Covid.

#### 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
<b>Total of other than criminal law cases (1+2+3+4)</b>	<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

<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>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)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Administrative law cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

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

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

( ) Yes, 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
<b>Total of criminal law cases (1+2+3)</b>	<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
<b>1. Severe criminal cases</b>	<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
<b>2. Misdemeanour and / or minor criminal cases</b>	<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
<b>3. Other criminal cases</b>	<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

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 cases older than 2 years from the date the case came to the first instance court
<b>Litigious divorce cases</b>	<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
<b>Employment dismissal cases</b>	<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
<b>Insolvency</b>	<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
<b>Robbery case</b>	<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
<b>Intentional homicide</b>	<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

=

##### 101-0. Number of 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 cases for more than 2 years
-----------------------------------	----------------	----------------	-----------------------------------	-------------------------------------

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

. Under current constitutional arrangements in the UK, asylum and immigration are reserved to the UK Parliament and handled by the Home Office. This includes the design and operation of the UK asylum and immigration systems. The Scottish Government has no control of these processes.

**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
<b>Child sexual abuse</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Child pornography</b>	[ 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 length of the entire procedure (in days)	% of cases pending for more than 3 years for all instances

<b>Civil and commercial litigious cases</b>	_____ Allow decimals : 2  <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	_____ Allow decimals : 2  <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Litigious divorce cases</b>	_____ Allow decimals : 2  <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	_____ Allow decimals : 2  <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Employment dismissal cases</b>	_____ Allow decimals : 2  <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	_____ Allow decimals : 2  <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insolvency cases</b>	_____ Allow decimals : 2  <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	_____ Allow decimals : 2  <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Robbery cases</b>	_____ Allow decimals : 2  <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	_____ Allow decimals : 2  <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Intentional homicide cases</b>	_____ Allow decimals : 2  <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	_____ Allow decimals : 2  <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**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 replies possible):**

- to conduct or supervise investigation
- 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
<b>1.Pending cases on 1 Jan. ref. year</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.Incoming/received cases</b>	144 957 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3.Processed cases (3.1+3.2+3.3+3.4)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)</b>	37 627 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3.1.1 Discontinued by the public prosecutor because the offender could not be identified</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</b>	12 502 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3.1.3 Discontinued by the public prosecutor for reasons of opportunity</b>	25 125 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3.1.4 Discontinued for other reasons</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3.2.Concluded by a penalty or a measure imposed or negotiated by the public prosecutor</b>	43 555 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3.3.Cases brought to court</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

**4. Pending cases on 31 Dec. ref. year**
 NA  
 NAP

Comments Data for Q107 -x Q109 relates to financial year 2022-23. Figures taken from Crown Office and Procurator Fiscal (COPFS) live operational case management system, specifically designed to receive criminal and death reports from the police and other specialist reporting agencies and to manage these cases for prosecution purposes. The information held on the system is structured for these operational needs, rather than for statistical reporting or research purposes. Q107: Total disposals will not equal total criminal cases received as some cases against the same accused will be linked and taken forward as one case. There is also a time lag between receipt of a case and final disposal so that some cases received in 2022-2023 will not result in a disposal that year, and some of the disposals in 2022-23 will relate to cases reported in earlier years.

These figures were previously collated manually, but this collection was discontinued from 1 April 2016. In (1), cases where offender is not identified are not received by prosecutor. Figure for (2) includes cases where there is insufficient admissible evidence, cases which are time barred, cases which are not a crime and cases where the prosecutor has no jurisdiction. Figure for (3) includes all other reasons for discontinuing a case. 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. The number increased in 2022-23. This is partly due to the backlog of cases caused by the Covid pandemic.

**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
<b>Total number of guilty plea procedures</b>	<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
<b>Before the main trial</b>	<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
<b>During the main trial</b>	<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

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

through a competitive exam (open competition)

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

other (please specify): .....

Comments

### 110-1. Please briefly describe the recruitment procedure(s) for judges in your country:

. <https://www.judicialappointments.scot/process/am-i-eligible>

### 110-2. What are the recruitment requirements for judges (multiple replies possible)?

Age

Nationality

Physical/Psychological capacity

General studies in law

Advanced studies in law (Master, PhD)

Number of years of relevant experience

Traineeship/judicial functions in courts

Validation of a general state examination in law

Validation of a specific examination for judges

Clean criminal record

Foreign languages

Personal requirements (related to integrity)

Other

NAP

Comments - If "other", please specify:

### 110-3. In the frame of these recruitments, please indicate the number of applicants for the position of judge and the number of recruitments actually made during the reference year:

	Total	Males	Females
Number of applicants	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA
Number of recruited persons	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA

Comments

**110-4. If the number of applicants decreased in the last years did you take any remedial measures?**

Yes

No

Comments

**110-5. If yes, please specify what remedies you implemented:**

Increase of salary

Other financial incentives

Improving working conditions

Workload reduction at the beginning of career

Other adjustments in the frame of the induction of new judges

Other

Comments: If "other", please, specify:

=

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

An authority made up of judges only

An authority made up of non-judges only

An authority/authorities made up of judges and non-judges

Other

Comments - Please indicate the name of the authority(ies) responsible for 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	Males	Females
<b>Members</b>	12	4	8
	<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/appointing its members: The Judicial Appointments Board for Scotland – Lay and Legal members are appointed by Scottish Ministers and the judicial members by the Lord President.

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

Yes

No

Comments – Please specify the procedure to be followed, the competent authority, the moment for exercising the right of appeal:

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

Yes

No

Comments - No, please specify which authority is competent for promoting judges

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

- Competitive test / Exam
- Previous individual evaluations
- Other procedure(s) (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) and how the publicity of promotion processes is ensured: 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 Houses 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.

### 113-0. In the frame of the promotion procedures, please indicate the number of applicants and the number of promotions actually made during the reference year:

	Total	Males	Females
Number of applicants	6 <input type="checkbox"/> NA	4 <input type="checkbox"/> NA	2 <input type="checkbox"/> NA
Number of promoted persons	3 <input type="checkbox"/> NA	2 <input type="checkbox"/> NA	1 <input type="checkbox"/> NA

Comments

### 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. Are specific instructions addressed to a public prosecutor to prosecute or not prohibited by law or other regulation?**

Yes

No

Comments - If yes, please specify:

**115-2. If they are prohibited by law or other regulation, are there exceptions?**

Yes

No

NAP

Comments - Please describe these exceptions:

**115-3. Which authority can issue such specific instructions?**

General Prosecutor

Higher prosecutor/Head of prosecution office

Executive power

Other

NAP

Comments - If “Other”, please specify:

**115-4. What form these instructions may take?**

Oral instruction

Oral instruction with written confirmation

Written instruction

Other

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

NAP

Comments - If “Other”, please specify:

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

- Exceptional
- Occasional
- Frequent
- Systematic
- 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?**

- through a competitive exam (open competition)
- through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- other (please specify): .....

Comments

**116-1. Please briefly describe the recruitment procedure(s) for prosecutors in your country:**

. All recruitment with COPFS is competency based. Vacant legal positions are advertised both internally and externally and are open for both internal and external applicants (Procurator Fiscal Deputes are only advertised externally). Applicants must be qualified solicitors and be in possession of a valid/unrestricted practicing certificate at time of entry to be eligible to apply. The selection panel who have been appropriately trained and are gender balanced will review the anonymised applications for sifting. The selection panel will invite a select number of candidates to a competency-based interview based on the number of vacancies available. Candidates are assessed against the advertised criteria and successful candidates are selected based on this assessment.

**116-2. What are the recruitment requirements for prosecutors (multiple replies possible)?**

- Age
- Nationality
- Physical/Psychological capacity
- General studies in law
- Advanced studies in law (Master, PhD)
- Number of years of relevant experience
- Traineeship/judicial functions in courts

- Validation of a general state examination in law
- Validation of a specific examination for prosecutors
- Clean criminal record
- Foreign languages
- Personal requirements (related to integrity)
- Other
- NAP

Comments - If "other", please specify:

**116-3. In the frame of these recruitments, please indicate the number of applicants for the position of prosecutor and the number of recruitments actually made during the reference year:**

	Total	Males	Females
Number of applicants	460 <input type="checkbox"/> NA	137 <input type="checkbox"/> NA	311 <input type="checkbox"/> NA
Number of recruited persons	89 <input type="checkbox"/> NA	26 <input type="checkbox"/> NA	63 <input type="checkbox"/> NA

Comments

**116-4. If the number of applicants decreased in the last years did you take any remedial measures?**

- Yes
- No

Comments

**116-5. If yes, please specify what remedies you implemented:**

- Increase of salary
- Other financial incentives
- Improving working conditions
- Workload reduction at the beginning of career
- Other adjustments in the frame of the induction of new prosecutors
- Other

Comments: If "other", please, specify:

**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) responsible for 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
<b>Members</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

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

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

- ( ) Yes
- ( X ) No

Comments – Please specify the procedure to be followed, the competent authority, the moment for exercising the right of appeal:

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

- ( X ) Yes
- ( ) No, please specify which authority is competent for promoting public prosecutors .....

Comments

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

- [ ] Competitive test / exam
- [ ] Previous individual evaluations
- [ X ] Other procedure(s) (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) and how the publicity of promotion processes is ensured:

**119-1. In the frame of the promotion procedures, please indicate the number of applicants and the number of promotions actually made during the reference year:**

	Total	Males	Females
<b>Number of applicants</b>	118 [ ] NA	34 [ ] NA	79 [ ] NA
<b>Number of promoted persons</b>	17 [ ] NA	6 [ ] NA	11 [ ] NA

Comments

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

- [ ] Years of experience
- [ X ] 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:75

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Public Service and Judicial Offices Act 2022 changed the mandatory retirement age from 70 to 75.

**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:please 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):0.75

No

Comments The probation period is and was 9 months, and has not changed.

**125. If the mandate of 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 of 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: Judicial Office / COPFS

## 5.2. Training

### 5.2.1 Training of judges

#### 127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
<b>Initial training (e.g. attend a judicial school, traineeship in a court)</b>	( X ) Yes (   ) No	(   ) Yes ( X ) No	(   ) Yes ( X ) No
<b>General in-service training</b>	( X ) Yes (   ) No	(   ) Yes ( X ) No	(   ) Yes ( X ) No
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	( X ) Yes (   ) No	(   ) Yes ( X ) No	(   ) Yes ( X ) No
<b>In-service training for management functions of the court (e.g. court president)</b>	( X ) Yes (   ) No	(   ) Yes ( X ) No	(   ) Yes ( X ) No

<b>In-service training for the use of computer facilities in courts</b>	( ) Yes ( X ) No	( ) Yes ( X ) No	( X ) Yes ( ) No
<b>In-service training on ethics</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>In-service training on child-friendly justice</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>In-service training on gender equality</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other in- service training</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

Comments

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

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

Comments - Please indicate any information on the periodicity of the continuous training of judges: Judicial training is delivered by the Judicial Institute for Scotland and it is responsible for promoting and continuously updating the identification of the needs of the Scottish judiciary for education, including skills training, case management training and professional development as judges. As well as promoting and fostering the highest standard of judicial conduct, performance and public service.

**128-1. Do you have a minimum number of compulsory trainings per judge:**

	Per judge
<b>Initial compulsory training – minimum number of trainings</b>	_____ Min numeric value allowed : 0  <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Initial compulsory training – minimum number of days</b>	_____ Min numeric value allowed : 0  <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In-service compulsory trainings – minimum number of trainings per year</b>	_____ Min numeric value allowed : 0  <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In-service compulsory trainings – minimum number of days per year</b>	_____ Min numeric value allowed : 0  <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**5.2.2 Training of prosecutors**

**129. Types of different trainings offered to public prosecutors:**

	Compulsory	Optional	No training proposed
<b>Initial training</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>General in-service training</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for specialised functions (e.g. public prosecutors specialised in organised crime)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for management functions (e.g. Head of prosecution office, manager)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for the use of computer facilities in office</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>In-service training on ethics</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>In-service training on child-friendly justice</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No



<b>In-service training on gender equality</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other in- service training</b>	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments A transformation of all aspects of strategy, risk management and policies of the Scottish Prosecution College commenced in early 2022. As such, the 2022 return on our operations is the only reliable baseline and benchmark.

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

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

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: A transformation of all aspects of strategy, risk management and policies of the Scottish Prosecution College commenced in early 2022. As such, the 2022 return on our operations is the only reliable baseline and benchmark.

Public prosecutors are mainly trained in-house within COPFS through both formal and informal learning. Legal trainers are employed to provide training as required, from their initial training as a trainee deputy, to more general in-service training at the point of need. The

Scottish Prosecution College introduced a biannual Prospectus in 2022. The first was launched in April 2022 all training provision between 1st April 2022 and 31st March 2023 was set out in the Prospectuses and published on the COPFS internal website. This included up to 40 courses, either live or internet based training for both prosecutors and non prosecutors. In the reference period, there were 22 different live trainings available, and these were repeated throughout the reference year. In total 145 live training events were scheduled equating to 271 days of live training being available. In addition, both prosecutors and our other staff in non-prosecutorial roles have access to Government Campus/Civil Service Learning for generic training such as Leadership and Management and Customer Service and are required to undertake mandatory corporate eLearning. Vocational and external training/qualifications are provided and funded when a business need has been identified. In these ways, training is provided regularly.

**130-1. Do you have a minimum number of compulsory trainings per prosecutor:**

	Per prosecutor
<b>Initial compulsory training – minimum number of trainings</b>	_____ Min numeric value allowed : 0 18 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Initial compulsory training – minimum number of days</b>	_____ Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>In-service compulsory trainings – minimum number of trainings per year</b>	_____ Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>In-service compulsory trainings – minimum number of days per year</b>	_____ Min numeric value allowed : 0 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments The number reported is the trainee courses plus the depute compulsory training, some will be the same courses. Trainees are required to complete 7 courses and new deputies 11.

**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
<b>Institution(s) for judges</b>	[ ]	[ ]	[ X ]
<b>Institution(s) for prosecutors</b>	[ ]	[ ]	[ ]
<b>Institution(s) for both judges and prosecutors</b>	[ ]	[ ]	[ ]

Comments The Lord President delegates responsibility for Judicial Training to the Judicial Institute. COPFS: The Scottish Prosecution College are not a separately governed public body responsible for training and is part of the Crown Office and Procurator Fiscal Service.

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

	Implemented budget of the institution for the reference year, in €
Institution(s) for judges	153 543 [ ] NA [ ] NAP
Institution(s) for prosecutors	[ ] NA [ X ] NAP
Institution(s) for both judges and prosecutors	[ ] NA [ X ] NAP

Comments Institution(s) for judges - £136,168

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

. COPFS comment: Public prosecutors are mainly trained in-house within COPFS . Legal trainers are employed to provide such training as required, from their initial training as a trainee depute, to more general in-service training at the point of need either at the start of their role (depute foundation programme), or during their employment.

### 5.2.4 Number of trainings

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

	Number of different live (in person, hybrid, videoconference) trainings available	Number of live (in person, hybrid, videoconference) trainings delivered	Number of days of delivered live (in person, hybrid, videoconference) trainings	Number of internet-based trainings available on the e-learning platform of the training institution (not live)
<b>Total</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>For judges</b>	33 [ ] NA [ ] NAP	33 [ ] NA [ ] NAP	44 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>For prosecutors</b>	132 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	8 [ ] NA [ ] NAP
<b>For non-judge staff</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>For non-prosecutor staff</b>	13 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	8 [ ] NA [ ] NAP

Comments The live trainings available have been identified through the published Prospectus for the period 1st April 2022 to 31st March 2023. The number of intranet based trainings recorded are those published in the Prospectus only, staff do have access to a number of

other learning resources e.g. Government Campus/Civil Service Learning, this is vast and therefore unable to quantify. The intranet based course published, and recorded above are those that are either a mandatory requirement, or being assessed as the most relevant to undertake based on need for the service in that curriculum period. The Scottish Prosecution College is unable to provide data on the number of training delivered and the number of days. A new combined Virtual Learning Environment and Learning Management System is being introduced later in 2023 and that will provide the platform and tools to improve reporting by the College in the future.

### 131-3. Number of participants in the trainings during the reference year.

	Number of participants in live (in-person, hybrid, videoconference) trainings	Number of participants in internet-based trainings provided on the e-learning platform of the training institution (not live)
<b>Total</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Judges</b>	424 [ ] NA [ ] NAP	151 [ ] NA [ ] NAP
<b>Prosecutors</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Non-judge staff</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Non-prosecutor staff</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments

### E2. Please indicate the sources for answering the questions in this part

Sources: COPFS / The Judiciary of Scotland

## 5.3. Practice of the profession

### 5.3.1 Salaries and benefits of judges and prosecutors



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

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
<b>First instance professional judge at the beginning of his/her career</b>	166 195 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	147 388 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Judge of the Supreme Court or the Highest Appellate Court (please indicate the highest salary of a judge at this level, excluding the salary of the Court President)	254 813 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	225 978 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	59 035 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	52 355 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the highest salary of a public prosecutor at this level, excluding the salary of the Attorney General).	<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

Comment – Please describe briefly how the salaries are determined during the career of a judge/prosecutor: Judiciary – are determined by review of the Senior Salaries Review Board who submitted their recommendation to the Lord Chancellor. COPFS HR comment: The increase in prosecutors’ annual salary is as a result of multiple pay awards since 2020, including implementing an agreement to achieve pay parity for COPFS staff with equivalent SG staff. In addition, two grades (SPFDs and PFDs) were merged.

### 133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Special pension	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Housing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other financial benefit	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

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

. Judges are entered into a Judicial Pension Scheme: JPS 2022 is a defined benefit pension scheme, which means you will get a guaranteed level of benefit at retirement payable according to a fixed formula.

NAP

=

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

With remuneration	Without remuneration
-------------------	----------------------

<b>Teaching</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Research and publication</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Arbitrator</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Consultant</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Cultural function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Political function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Mediator</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other function</b>	<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.

### 137. Can public prosecutors combine their work with any of the following functions/activities?

	<b>With remuneration</b>	<b>Without remuneration</b>
<b>Teaching</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Research and publication</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Arbitrator</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Consultant</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Cultural function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Political function</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Mediator</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Other function</b>	<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 guidelines and/or opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)?**

Yes

No

Comment - Please specify:

**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 guidelines and/or opinions of this institution / body publicly available?**

Yes

No

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

**138-2-1. How many guidelines and/or opinions were given during the reference year?**

[            ]

[ X ] NA

Comments – Please specify what were the topics addressed in these guidelines and/or opinions

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

Yes

No

Comment: Please specify

**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 guidelines and/or opinions of this institution / body publicly available?**

Yes

No

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.

**138-5-1. How many guidelines and/or opinions were given during the reference year?**

[            ]

NA

Comments – Please specify what were the topics addressed in these guidelines and/or opinions

**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
- Ombudsman
- Parliament
- Executive power (please specify): .....
- Other (please specify): Anyone can make a complaint about a judges conduct.
- This is not possible

Comments Judiciary may only be removed from office after a fitness for office tribunal, commissioned by the First Minister. Usually requested by the Lord President.

**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



- 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

**5.4.2 Number of disciplinary procedures and sanctions**

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

	Judges	Prosecutors
<b>Total number (1+2+3+4)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>1. Breach of professional ethics</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Professional inadequacy</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Criminal offence</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Other</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - If “other”, please specify: During 1 September 2021 – 31 August 2022, 87 complaints were received by the Judicial Office for Scotland. See [https://www.judiciary.scot/docs/librariesprovider3/judiciarydocuments/complaints/report-11---complaint-stats---01-september-2021--31-august-2022.pdf?sfvrsn=783d89f\\_2](https://www.judiciary.scot/docs/librariesprovider3/judiciarydocuments/complaints/report-11---complaint-stats---01-september-2021--31-august-2022.pdf?sfvrsn=783d89f_2)

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

	Judges	Prosecutors
<b>Total number (total 1 to 10)</b>	0 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Reprimand</b>	0 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Suspension</b>	0 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	0 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Fine</b>	0 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>5. Temporary reduction of salary</b>	0 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>6. Position downgrade</b>	0 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>7. Transfer to another geographical (court) location</b>	0 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>8. Resignation</b>	0 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>9. Other</b>	0 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

10. Dismissal	0	
	<input type="checkbox"/> NA	<input checked="" type="checkbox"/> NA
	<input type="checkbox"/> NAP	<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: [https://www.judiciary.scot/docs/librariesprovider3/judiciarydocuments/complaints/report-11---complaint-stats---01-september-2021--31-august-2022.pdf?sfvrsn=783d89f\\_2](https://www.judiciary.scot/docs/librariesprovider3/judiciarydocuments/complaints/report-11---complaint-stats---01-september-2021--31-august-2022.pdf?sfvrsn=783d89f_2)

## 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	Males	Females
Number of lawyers	13 259 <input type="checkbox"/> NA	7 693 <input type="checkbox"/> NA	5 566 <input type="checkbox"/> NA

Comments Data provided by the Law Society of Scotland.

#### 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:

[  ]

NA

NAP

Comments

=

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

First instance	Second instance	Highest instance court (Supreme Court)
----------------	-----------------	--

<b>Civil cases</b>	<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
<b>Dismissal cases</b>	<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
<b>Criminal cases – Defendant</b>	<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
<b>Criminal cases – Victim</b>	<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
<b>Administrative cases</b>	<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:**

	<b>First instance</b>	<b>Second instance</b>	<b>Highest instance court (Supreme Court)</b>
<b>Civil society organisation</b>	<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
<b>Family member</b>	<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
<b>Self-representation</b>	<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
<b>Trade union</b>	<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
<b>Other</b>	<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 (please specify): .....

Comments

**149-2. Professional lawyers may have the status of:**

- 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 of lawyer

**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 for lawyers

**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): please see comment box

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

**159. Is it possible to file a complaint about:**

the performance of lawyers

the amount of fees

Comments - Please specify:

### 160. Which authority is responsible for disciplinary procedures?

a judge

Ministry of Justice

a professional authority

other (please specify):please see comments box

Comments other: the Scottish Solicitors' Discipline Tribunal, The Scottish Legal Complaints Commission

### 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
<b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b>	18 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

### 162. Sanctions pronounced against lawyers.

	Number of sanctions
<b>Total number of sanctions (1 + 2 + 3 + 4 + 5)</b>	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Suspension</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Fine</b>	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP

5. Other	4 [ ] 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. Other: solicitors struck off the roll:2 restricted:2

## 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
<b>Civil and commercial cases</b>	<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
<b>Family cases</b>	<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
<b>Administrative cases</b>	<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
<b>Labour cases including employment dismissals</b>	<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



<b>Criminal cases</b>	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Consumer cases</b>	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP

Comments

**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:

=

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

	Total	Males	Females
<b>Number of mediators</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments

**166-1. Could you please describe what are the requirements and what is the procedure to become an accredited or registered mediator in your country (educational requirements, working experiences, accrediting procedure etc.)?**

. We operate two recognised mediator accreditations: Family Law Mediation and Commercial Law Mediation. The period of accreditation for both is three years.

Law Society accredited mediators have completed rigorous training to be a mediator, and that their abilities as a mediator have been assessed by a panel of mediation experts. In addition the Law Society set standards for mediators to complete annual training, and as a mediation accreditation must be renewed every three years, their abilities are regularly assessed by our panels.

Requirements - <https://www.lawscot.org.uk/members/career-growth/specialisms/accredited-mediators/>

**167. Number of court-related mediations:**

<b>Number of cases for which the parties agreed to start mediation</b>	<b>Number of finished court-related mediations</b>	<b>Number of cases in which there is a settlement agreement</b>
--	--	---

<b>Total (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	<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
<b>1. Civil and commercial cases</b>	<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
<b>2. Family cases</b>	<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
<b>3. Administrative cases</b>	<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
<b>4. Labour cases including employment dismissal cases</b>	<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
<b>5. Criminal cases</b>	<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
<b>6. Consumer cases</b>	<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
<b>7. Other cases</b>	<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

**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
<b>Total (1+2+3+4)</b>	139 [ ] NA	123 [ ] NA	16 [ ] NA
<b>1. Private professionals under the authority (control) of public authorities</b>	139 [ ] NA [ ] NAP	123 [ ] NA [ ] NAP	16 [ ] NA [ ] NAP
<b>2. Enforcement agents working in a public institution (civil servants paid by state)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Judges</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>4. Other</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] 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: 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](http://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 pension age 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:

## 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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Date of birth	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Civil status	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cohabitant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Employer	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Motor vehicle	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Movable property	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Immovable property	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Bank account	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other enforcement proceedings underway	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)	<input type="checkbox"/> Yes <input checked="" 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

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

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

	Option
Seizure of movable tangible properties	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input checked="" type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP

<b>Preventive seizure of movable tangible properties</b>	<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
<b>Seizure of immovable properties</b>	<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
<b>Preventive seizure of immovable properties</b>	<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
<b>Seizure from a third party of the debtor claims regarding a sum of money</b>	<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
<b>Seizure of remunerations</b>	<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
<b>Seizure of motorised vehicles</b>	<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
<b>Eviction measures</b>	<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
<b>Seizures of boats and ships</b>	<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

<b>Seizure of aircrafts</b>	<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
<b>Seizure of electronic assets (e.g cryptocurrency)</b>	<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
<b>Enforced sale by public tender of seized properties</b>	<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
<b>Sale of shares</b>	<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
<b>Other</b>	<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: A number of CPD Seminars are now delivered remotely

**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

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

Yes

No

Comments - Please explain:

### **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 .....

Comments

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

Yes

No

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

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

Source: The Society of Messengers-at-Arms and Sheriff Officers (SMASO)

**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

No

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

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

no execution at all

non execution of court decisions against public authorities

lack of information

excessive length

unlawful practices

insufficient supervision

excessive cost

unethical behaviour of enforcement agent

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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

**186. Regarding a decision on debt collection, please estimate the average timeframe to 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): .....

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

Comments - If "other", please specify:

### 188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
<b>Total number of sanctions (1+2+3+4+5)</b>	[ X ] NA [ ] NAP
<b>1. Reprimand</b>	[ X ] NA [ ] NAP
<b>2. Suspension</b>	0 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	[ X ] NA [ ] NAP
<b>4. Fine</b>	[ X ] NA [ ] NAP
<b>5. Other</b>	[ 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: Data provided by the Society of Messengers-at-Arms and Sheriff Officers (SMASO).

## 8.2.Execution of decisions in criminal matters

### 8.2.1Functioning 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

#### 9.1.1Number, status and mandate of notaries

192. Number and status of notaries in your country.

	Total	Males	Females
<b>TOTAL (1+2+3+4)</b>	9 292 <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
<b>1. Private professionals (without control from public authorities)</b>	<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
<b>2. Holders of public offices appointed by the State</b>	<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
<b>3.Civil servants (paid by the State)</b>	<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	9 292		
	<input type="checkbox"/> NA	<input checked="" type="checkbox"/> NA	<input checked="" type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> 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: All practising solicitors can apply to be admitted as a notary public - it is not a separate profession. Therefore the status of notaries is the same as the status of the individual solicitor.

Data provided by the Law Society of 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): .....

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
<b>Authentication</b>	<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
<b>Certification of signatures</b>	<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
<b>Mediation</b>	<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

<b>Taking of oaths</b>	<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
<b>Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)</b>	<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
<b>Act as civil servant (for example performing marriage, please specify)</b>	<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
<b>Other judicial functions (for example, payment orders)</b>	<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
<b>Public auctions</b>	<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
<b>Other (for example collect taxes, run registers etc.)</b>	<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 replies 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.

### 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
<b>Land registry</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Business registry</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Civil status/ Population registry</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Succession / Family law registry</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Any other registry (please specify)</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

None	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> 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

Comments

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

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

Comments

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

- Yes
- No

Comments

**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. Judicial experts

### 10.1. Profession of judicial expert

#### 10.1.1 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

( X ) 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

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

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

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

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

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

It is for the solicitor to choose the expert they wish to instruct. They must consider whether they are appropriate for the particular case in question and should identify an expert skilled in the specific field in which the expert evidence is needed. For example, if the case is fairly

routine and unexceptional, we would need a very convincing argument to authorise the “foremost expert in his field in Europe”, if he charged more than other experts with sufficient skill to deal with the case. SLAB must be satisfied that it is reasonable in all the circumstances of the case to sanction that expenditure.

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

- judicial proceedings
- the profession of expert
- other

Comments

=

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

- Yes
- No

Comments

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

- Yes
- No

Comments - If yes, please specify:

**205. Number of accredited or registered judicial experts:**

	Total	Males	Females
Number of experts	<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

**206-1. Number of cases where an 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 the 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
Deadlines to provide expertise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Quality of expertise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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: The Law Society of Scotland

## 11.Reforms in judiciary

### 11.1.Foreseen reforms

#### 11.1.1Reforms

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:

#### 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: Programme for government 2023-24: The main focus of the Cabinet Secretary for Justice and Home Affairs will be on prioritizing our public services and implementing public service reform. This includes supporting justice agencies in reducing court backlogs, with the aim of clearing the backlog of summary cases by the end of 2024 and reducing waiting times for justice.

## 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 (competent for judges and/or prosecutors)

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 equality

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Programme for government 2023-24: Improving the justice experience for victims and survivors involves taking action on the recommendations of the Women's Justice Leadership Panel. This includes addressing gender inequality and enhancing women's experiences within the justice system. The goal is to work towards the establishment of a gender-informed justice system.

## **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: Programme for government 2023-24:

Support Police Scotland in its plan to roll out body worn cameras to officers over the next two years, to over 14,000 officers and staff from 2024.

Following the successful digital evidence pilot, Police Scotland will seek to build on the Scottish Government's investment to make it easier to submit digital evidence to report poor road user behaviour, in support of making Scotland's roads safer for all – especially for pedestrians and cyclists.

Publish a Hate Crime Strategy Delivery Plan, setting out our immediate and longer-term activity in support of the Hate Crime Strategy, including implementation of the Hate Crime and Public Order (Scotland) Act 2021 in early 2024.

## 208-12. Prison system

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Programme for government 2023-24:

Reducing reoffending and limiting the negative effects of short term imprisonment. Progress delivery of the National Community Justice Strategy by working with Community Justice Partners to drive improvement and advance towards the longstanding aim of encouraging a person-centred, trauma-informed, and rehabilitative approach.

Continue to invest in the prison estate, working towards replacing prisons in Inverness and Glasgow to ensure modern facilities that promote rehabilitation into communities and reduced reoffending.

Continue to provide trauma-informed care and management to women in custody, including through the new national facility HMP & YOI Stirling and Community Custody Units in Dundee and Glasgow, supporting the best chance for women to not reoffend and to return successfully to their communities.

## 208-13. Child friendly justice

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Programme for government 2023-24:

Continue to reinvest money recovered under the Proceeds of Crime Act 2002 – through our Cash Back for Communities programme – into diversionary activities for young people most at risk of being involved in antisocial behaviour, offending or reoffending to support the communities that are most affected by crime.

Launch Bairns' Hoose Pathfinders in autumn 2023, a key action in our keeping The Promise Implementation Plan and Tackling Child Poverty Delivery Plan, enabling a whole-system approach for child victims and witnesses of abuse and harm.

## 208-14. Domestic violence

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Programme for government 2023-24:

Consider our wider approach to tackling domestic abuse and work to develop Scotland's first national multi-agency Domestic Homicide Review model.

Establish a Ministerial Oversight Group to ensure momentum on delivering the cross-portfolio Equally Safe Strategy, including the refresh of the priorities.

Bring forward legislation to criminalise misogynistic conduct as informed by the public consultation on Baroness Helena Kennedy KC's report.

## 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: