

1. Evaluation of the judicial systems (2016-2018 cycle)



UK-Scotland

Generated on : 29/08/2018 11:18

Reference data 2016 (01/01/2016 - 31/12/2016)

Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017

Objective :

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

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

Instruction :

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

- User manual
- Explanatory note

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

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

1.General information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



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

[5404700]

Comments

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

	Amount
State or federal level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	82965163696 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

[32051]

Comments

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

[38588]

NA

Comments Annual survey of hours and earnings - resident analysis, full time workers, annual pay - gross, mean, 2016

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

[0.8583]

Allow decimals : 5

NAP

Comments Bank Of England spot rate 31/12/2016

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

Sources: 1 - 2016 mid year population estimate - NRS ; 2 - GERS (Table S.3) Public Sector Total Managed Expenditure 2016/17; 3 - Quarterly National Accounts, <http://www.gov.scot/Topics/Statistics/Browse/Economy/QNA2017Q2> , table 10, per capita GDP onshore (SA) 2016; 4 - annual survey of hours and earnings - resident analysis, full time workers, annual pay - gross, mean, 2016; 5 - BoE spot rate on the 31st December 2016

1.1.2. Budgetary data concerning judicial system



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

answer NAP to the question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	153313246 [] NA [] NAP	152637910 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	58191208 [] NA [] NAP	56683367 [] NA [] NAP
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	3056332 [] NA [] NAP	3042187 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	33199851 [] NA [] NAP	33076789 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	31148445 [] NA [] NAP	31948966 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	0 [] NA [] NAP	0 [] NA [] NAP
6. Annual public budget allocated to training	363136 [] NA [] NAP	360857 [] NA [] NAP
7. Other (please specify)	27354274 [] NA [] NAP	27525743 [] NA [] NAP

Comments - 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 differences: Other - Office Expenditure, agency staff, other pay related costs, travel, Supplies & Services and Depreciation.

Approved budget: Excludes total receipts of £37,930; Implemented budget: Excludes total receipts of £38,036

The computerisation budget had a rationalisation exercise in respect of major and minor IT contracts that made significant savings compared to previous cycles. Regarding Justice expense, the SCTS took on responsibility for the Judicial Institute plus Devolved Tribunals merged with the Scottish Court Service, hence the significant rise in justice expenses.

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

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

Total annual public budget allocated to all courts, public prosecution services and legal aid together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
--	--	--

Comments:

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

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

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions?

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

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

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

[117]

NA

NAP

Comments £100 (116.51EUR)

There were two rises in fees between 2014 and 2016 and that coupled with the adverse exchange rate post-Brexit fully explains the change from previous cycles.

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

[34589300]

NA

NAP

Comments Fee Income £29,688k (34589.30k EUR)

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	148199930 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

12.1 for cases brought to court	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	<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 2016-17 Legal Aid Fund, SBR Budget Allocation.

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

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	158138180 <input type="checkbox"/> NA <input type="checkbox"/> NAP	99118024 <input type="checkbox"/> NA <input type="checkbox"/> NAP	59020156 <input type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.1 for cases brought to court	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	<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 the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences: 2016-17 Expenditure on the Legal Aid Fund.

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

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in €	125830129 <input type="checkbox"/> NA <input type="checkbox"/> NAP	125830129 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget allocated to the public prosecution services, please indicate the main differences: Approved £108.1m, implemented £108.1m; Budget for 2016-17 including both Capital and Revenue.

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

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other ministry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Parliament	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP
Supreme Court	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
High Judicial Council	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Courts	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Inspection body	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP

Comments - If any other Ministry and/or inspection body and/or other, please specify:

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

<p>Sources: Q6-9 SCTS. Q12/12.1 - Finance, Sponsorship & Appointments Support / SG. Q13 COPFS Q14/14.1 - SCTS</p>

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 court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	<input checked="" type="checkbox"/> NA [] NAP	<input checked="" type="checkbox"/> NA [] NAP

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

015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not

exist in your system):

	Included
Court (see question 6)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Legal aid (see question 12)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Public prosecution services (see question 13)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments: we are unable to get the figures/data

015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):

	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
Council of the judiciary	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Constitutional court	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Judicial management body	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
State advocacy	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Enforcement services	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Notariat	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Forensic services	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Judicial protection of juveniles	() Yes () No <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

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

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

Sources: we are unable to get the figures/data

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

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

Comments

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

(X) Yes

() No

Comments - If yes, please specify:

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

(X) Yes

() No

Comments - If yes, please specify: In civil legal aid, the prior approval of SLAB is generally required for any step in the execution of diligence – in execution of a final or interim decree. There are some exceptions to this rule.

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	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

Comments - If yes, please specify:

2.1.2. Quantitative information on legal aid

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

	Cases brought to court	Cases not brought to court / non-litigious cases
TOTAL	128315 [] NA [] NAP	62720 [] NA [] NAP
In criminal cases	102628 [] NA [] NAP	11742 [] NA [] NAP
In other than criminal cases	25687 [] NA [] NAP	50978 [] NA [] NAP

Comments - Please specify when appropriate: Other than criminal cases (cases brought to court) includes civil LA, civil ABWOR, Children's LA, Children's ABWOR, contempt LA.

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

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

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

022. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?

Yes

No

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

023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.

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

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

Criminal Legal Aid: For solemn and summary criminal applications, an applicant's income and capital must be within the current financial limits. A person whose disposable capital exceeds the capital limit of £1,716 is not eligible for criminal legal aid. A person whose disposable income exceeds the limit of £222 a week is not eligible for criminal legal aid. However, after considering the financial circumstances of the accused person, SLAB must be satisfied that the costs of the case cannot be met without undue hardship to him or his dependants. (For more details regarding the financial test for solemn criminal legal aid please see Question 21). Civil Legal Aid: To be

eligible for civil legal aid, a person must have a disposable income of less than £26,239 a year. If the applicant has disposable income between £3521 and £26239, they will have a contribution to pay. A person must also have disposable capital of less than £13,017. If the applicant has disposable capital of between £7853 and £13017, they will have a contribution to pay.

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

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

Yes

No

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

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

(i) The prospects of the person winning the case;

(ii) Whether the right court is being used;

(iii) Whether the person has fully considered other ways of sorting out the problem before seeking court action;

(iv) Whether the proceedings are frivolous or vexatious. Children's Legal Aid

With regard to grants for Legal Aid to appeal to the Sheriff Principal or Court of Session against any decision of a Sheriff, the Board must be satisfied that there are substantial grounds to either make or respond to the appeal in question and whether the appeal is reasonable. Substantial grounds will include the point of law in question and/or the irregularity in the conduct of the case. In cases where it is the sheriff that takes the decision to grant legal aid, the sheriff considers the best interests of the child.

025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments

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

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon? People may have rights to indemnity under an insurance policy (legal expenses insurance, home insurance, motor insurance) or membership of a professional association or trade union. Solicitors in Scotland also operate 'no win, no fee' payment arrangements.

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

Judicial decisions direct how legal costs will be shared
--

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

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

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.

Main Reform - The Criminal Justice (Scotland) Act 2016

A number of the Act's provisions will have a significant impact on the system of criminal legal assistance. In particular, publicly funded legal advice will now be available at the point of police custody, not just at a police interview. In addition, new court procedures will give the opportunity to challenge interim liberation conditions. Certain elements of the Act are being implemented in 2017, including some changes to the way that sheriff and jury cases under solemn procedure are handled. However, the main changes to police station procedures and rights are not due to be implemented until early 2018.

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

Sources: www.slab.org.uk

2.2. Users of the courts and victims

2.2.1. Rights of the users and victims

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

	Yes, please indicate the internet adresse(es)	No
legal texts (e.g. codes, laws, regulations, etc.)	(X) www.legislation.gov.uk	()
case-law of the higher court/s	(X) scotcourts.gov.uk/search-judgments	()
other documents (e.g. downloadable forms, online registration)	(X) scotcourts.gov.uk/coming-to-court/attending-a-court	()

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

029. (Modified question) Is there an obligation to provide information to the parties concerning the

foreseeable timeframes of proceedings?

- Yes, always
- No
- Yes, only in some specific situations

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

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

- Yes
- No

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

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

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	<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
Victims of terrorism	<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
Minors (witnesses or victims)	<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
Victims of domestic violence	<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
Ethnic minorities	<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
Disabled persons	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Juvenile offenders	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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

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

- Yes
- No

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

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

Yes, please specify for which kind of offences: The Criminal Injuries Compensation Scheme provides compensation for victims who have been physically or mentally injured as the result of a violent crime.

No

Comments

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

Yes

No

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

033. If yes, does this compensation come from:

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments

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

Yes

No

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

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

Yes

No

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

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

Yes

No

NAP

Comments - If necessary, please specify:

2.2.2. Confidence of citizens in their justice system

037. (Modified question) Is there a system for compensating users in the following circumstances:

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

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):

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

	National level	Court level
1. (Satisfaction) surveys aimed at judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
2. (Satisfaction) surveys aimed at court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
3. (Satisfaction) surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
4. (Satisfaction) surveys aimed at lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
5. (Satisfaction) surveys aimed at the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
7. (Satisfaction) surveys aimed at victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: Please see the SCS website: <http://www.scotcourts.gov.uk/about-the-scottish-court-service/reports-data> for details of the Survey of Judicial Views of the SCS 2011, Court User Satisfaction Survey 2015 and Staff Survey 2016.

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

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.

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

Yes

No

Comments

041. (Modified question) If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
Court concerned	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Higher court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Council of the Judiciary	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

041-1. (Modified question) Please specify further certain aspects of this procedure:

	Number of complaints	Compensations amount granted to users
Court concerned	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Higher court	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Ministry of Justice	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Council of the Judiciary	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

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

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

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

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

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	77 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
42.2 First instance specialised courts (legal entities)	1 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The number of first instance courts (legal entities) is 77 (39 Sheriff Courts, 34 JP courts, 1 Court of Session and there are 3 regular High Court venues - although the High Court can sit in any Sheriff Court) The number of specialised courts (legal entities) is 1 (the All-Scotland PI court). The number for all courts (legal entities) is 82 (i.e. 77 first instance + 1 specialised + 4 appeal). Data on geographic locations are not available.

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

Number of courts

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

Comments - If "other specialised 1st instance courts", please specify:

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

Yes

No

Comments - If yes, please specify:

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

Number of courts

a debt collection for small claims	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
a dismissal	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
a robbery	39 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

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

Yes

No, please give your definition for small claims: Small claims are designed to be simplified and less formal and can only be applied for in the sheriff court. The procedure can be used where the value of the claim is up to and including £3000. There are some circumstances where this procedure cannot be used, even if the value of the claim is less than £3000; for example, actions for recovery of possession of heritable property and damages resulting from personal injuries. In these cases the summary cause procedure would be used where the claim is up to and including £5000 and the ordinary cause procedure where the value is above £5000. You do not need to use a solicitor to use the small claims procedure, but you can do if you wish.

Comments Small claims are designed to be simplified and less formal and can only be applied for in the sheriff court. The procedure can be used where the value of the claim is up to and including £3000. There are some circumstances where this procedure cannot be used, even if the value of the claim is less than £3000; for example, actions for recovery of possession of heritable property and damages resulting from personal injuries. In these cases the summary cause procedure would be used where the claim is up to and including £5000 and the ordinary cause procedure where the value is above £5000. You do not need to use a solicitor to use the small claims procedure, but you can do if you wish.

045-2. (New question) Please indicate the value in € of a small claim:

[3495]

Comments up to and including £3000

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

Sources: SCTS; <https://www.scotcourts.gov.uk/taking-action/small-claims>

3.2. Court staff

3.2.1. Judges and non-judge staff

046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

Total	Males	Females

Total number of professional judges (1 + 2 + 3)	200 [] NA [] NAP	147 [] NA [] NAP	53 [] NA [] NAP
1. Number of first instance professional judges	183 [] NA [] NAP	136 [] NA [] NAP	47 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	17 [] NA [] NAP	11 [] NA [] NAP	6 [] NA [] NAP
3. Number of supreme court professional judges	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comment - Please provide any useful comment for interpreting the data above: First Instance Judges – 24 Outer House judges, 1 Chairman of the Scottish Land Court, 3 Members of the Scottish Land Court, 121 Sheriffs and 34 Summary Sheriffs Appeal Judges – 11 Inner House judges and 6 Sheriffs Principals.

047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

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

Comments

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

	Figure
Gross figure	79 [] NA [] NAP
In full-time equivalent	[X] NA [] NAP

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

048-1. (New question) Do these professional judges sitting in courts on an occasional basis deal

with a significant part of cases?

() Yes, please give specifications on the types of cases and an estimate in percentage.

(X) No

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

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

	Figure
Gross figure	450 [] NA [] NAP
In full time equivalent	[] NA [X] NAP

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

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

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

Comments - If “other”, please specify: Justices of the peace are lay magistrates who sit with a legally qualified adviser to deal with summary criminal cases. Justices sit either alone or on a treble bench and deal with many driving offences such as speeding, careless

driving and driving without insurance. They also deal with less serious assault, breach of the peace, theft and other less serious crimes.

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

Yes

No

Comments

050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)

Severe criminal cases

Misdemeanour cases

Other 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 (on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	1540 <input type="checkbox"/> NA <input type="checkbox"/> NAP	547 <input type="checkbox"/> NA <input type="checkbox"/> NAP	993 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	1382 <input type="checkbox"/> NA <input type="checkbox"/> NAP	463 <input type="checkbox"/> NA <input type="checkbox"/> NAP	919 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	158 <input type="checkbox"/> NA <input type="checkbox"/> NAP	84 <input type="checkbox"/> NA <input type="checkbox"/> NAP	74 <input type="checkbox"/> NA <input type="checkbox"/> NAP

4. Technical staff	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
5. Other non-judge staff	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

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

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

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

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

054. Have the courts outsourced certain services, which fall within their powers, to private providers?

- Yes
- No

Comments

054-1. (New question) If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify):

Comments not known

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

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

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	471 [] NA [] NAP	161 [] NA [] NAP	310 [] NA [] NAP
1. Number of prosecutors at first instance level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Number of prosecutors at supreme court level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Please indicate any useful comment for interpreting the data above: All prosecutors can appear at first instance. The figures for the exact number of prosecutors among those who have rights of audience to appear in the Court of Appeal and the Scottish High Court are not available. Scotland does not have a Supreme court but some of our prosecutors can appear at the UK Supreme Court.

056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.

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

Please provide any useful comment for interpreting the data above:

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

- () Yes, please specify their number (in full-time equivalent):
- (X) No

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

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

Yes

No

Comments ANSWER TO Q57 WAS 'NO'

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

Yes

No

Comments

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

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	891 [] NA	248 [] NA	643 [] NA

Comments We have made various efficiency savings over a number of years, taking into account increased use of digital solutions which has allowed us to make staff savings. In effect this has meant reviewing vacancies which occur through natural turnover and not filling vacancies as a matter of course.

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

Sources: COPFS

3.4. Management of the court budget

3.4.1. Court budget

061. Who is entrusted with responsibilities related to the budget within the court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Court President	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court administrative director	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Head of the court clerk office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other	<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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other", please specify:

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 (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

067. Do you have specialised court staff that is entrusted with these quality standards?

Yes

No

Comments

068. Is there a national system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan agreed beforehand?

Yes

No

Comments

068-1. (New question) If yes, please specify the frequency of this evaluation:

Annual

Less frequent

More frequent

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

069. Is there a system for monitoring and evaluating the performance of the public prosecution service?

Yes

No

Comments - If yes, please give further details: COPFS regularly publishes performance data. COPFS performance is subject to scrutiny by both the Independent Inspectorate of Prosecutions and the Scottish Parliament.

3.6.2. Performance and evaluation of courts

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

- number of incoming cases
- number of decisions delivered
- number of postponed cases
- length of proceedings (timeframes)
- age of cases
- other (please specify):

Comments

071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

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

Comments

072. Do you have an evaluation process to monitor waiting time during court procedures?

- Yes
- No

Comments - If yes, please specify:

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

- Yes
- No

Comments

073-0. (New question) If yes, please specify the frequency:

- Annual
- Less frequent
- More frequent

Comments - If "less frequent" or "more frequent", please specify: Scottish Court Service Board has a quarterly 'Scorecard' which covers:

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

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

- Yes
- No

Comments

074. Are there performance targets defined at the level of the court?

Yes

No

Comments

075. (Modified question) Please specify the main targets applied to the courts:

to increase efficiency / to shorten the length of proceedings

to improve quality

to improve cost efficiency / productivity

Other (please specify):

Comments

076. Who is responsible for setting the targets for the courts?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example High Judicial Council, Higher Court)

President of the court

Other (please specify):The Scottish Court Service Board and collaborative working with criminal justice partners.

Comments

077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)

Yes

No

Comments

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

incoming cases

length of proceedings (timeframes)

closed cases

pending cases and backlogs

productivity of judges and court staff

percentage of cases that are processed by a single sitting judge

enforcement of penal decisions

satisfaction of court staff

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

judicial quality and organisational quality of the courts

costs of the judicial procedures

number of appeals

other (please specify):

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

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify):

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

3.6.3. Court activity and administration

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

- Yes (please indicate the name and the address of this institution): Justice Analytical Services
- No

Comments

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

- Yes, on internet
- No, only internally (in an intranet website)
- No

Comments

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

- Yes
- No

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

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

- Internet
- Intranet (internal) website
- Paper distribution

Comments

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

- Annual

Less frequent

More frequent

Comments

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

Yes

No

Comments - If yes, please specify:

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

Yes

No

Comments - If yes, please specify:

3.6.4. Performance and evaluation of judges

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

Yes

No

Comments

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

Executive power (for example the Ministry of Justice)

Legislative power

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

President of the court

Other (please specify):

Comments

New node

4. Fair trial

4.1. Principles

4.1.1. Principles of fair trial

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

[]

[X] NA

[] NAP

Comments

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

(X) Yes, number of successful challenges in a year n/a

() No

Comments - 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?

	Monitoring system
For civil procedures (non-enforcement)	() Yes (X) No [] NAP
For civil procedures (timeframe)	() Yes (X) No [] NAP
For criminal procedures (timeframe)	() Yes (X) No [] NAP

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

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

Sources: SCTS

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters as regards:

[X] civil cases

[X] criminal cases

[] administrative cases

There is no specific procedure

Comments - If yes, please specify:

088. Are there simplified procedures for:

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

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

088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

civil cases

criminal cases

administrative cases

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

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

Yes

No

Comments - If yes, please specify:

4.2.2. Case flow management – first instance



091. (Modified question) 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 (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	90876 <input type="checkbox"/> NA <input type="checkbox"/> NAP	72229 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	3425 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2135 <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 We are unable to break down the figures into the sub sections you provide therefore section 1 is all civil first instance excluding liquidations and sequestration while section 4 is liquidations and sequestrations. Thus 1 and 4 provide a total for civil first instance.

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

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

. Liquidations and sequestrations

094. (Modified question) First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2)	[X] NA [] NAP	118018 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences": In our system, we distinguish "solemn" and "summary" cases.

On 118 018 incoming cases total :

SOLEMN cases (serious assault, fraud, assault and robbery etc) : 5 899 cases.

SUMMARY cases (theft, assault, road traffic offences etc) : 112 119 cases.

Summary cases are cases heard without a jury so the judge determines guilt or innocence as well as the sentence to be imposed. A custodial sentence of up to 12 months is available. Solemn case are cases heard before a jury where a jury determines guilt or innocence and the judge determines sentence. A custodial sentence of up to life imprisonment is available.

4.2.3. Case flow management – second instance



097. (Modified question) 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 (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	479 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<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 The increase from last cycle comes from the fact that a new Appeal Court was set up, along with a change in calculation methodology.

098. (Modified question) Second instance courts (appeal): number of criminal law cases.

Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court

Total of criminal law cases (1+2)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	1535 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Severe criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments In our system, we distinguish "solemn" and "summary" cases.

On 1535 incoming cases total :

SOLEMN cases (serious assault, fraud, assault and robbery etc) : 650 cases.

SUMMARY cases (theft, assault, road traffic offences etc) : 885 cases.

4.2.4. Case flow management – Supreme Court



099. (Modified question) 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 (Please insert NA for category 2))
Total of other than criminal law cases (1+2+3+4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

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

Comments Third instance / Supreme Court is not in Scotland

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:

No

Comments SCTS LEGALISATION TEAM COMMENT: 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. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.

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

Comments Third instance / Supreme Court is not in Scotland

4.2.5. Case flow management – specific cases

101. (Modified question) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

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

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

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Litigious divorce case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Insolvency	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments .

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

. Q103 SG (JAS) comment: Divorces can be applied for using two main procedures in the courts - simplified procedure and ordinary procedure. The simplified procedure is a low-cost, simple method of obtaining a divorce in cases where there are no children under 16 and no monetary claims by one spouse against another. Other cases go to court under the ordinary procedure.

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

..

4.2.6. Case flow management – public prosecution



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

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

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

106. (Modified question) Does the public prosecutor also have a role in:

- civil cases
- administrative cases
- insolvency cases

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

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

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	195731 <input type="checkbox"/> NA <input type="checkbox"/> NAP	50729 <input type="checkbox"/> NA <input type="checkbox"/> NAP	51805 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The decrease from previous cycles partially reflects the fact that the number of cases received by the public prosecutor has decreased, which in turn reflects recent trends in recorded crime overall. In addition, some recent changes mean that some more minor cases are now dealt with directly by the police rather than reported to prosecutors.

107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?

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

Comments

108. Total cases which were discontinued by the public prosecutor:

	Number of cases
Total cases which were discontinued by the public prosecutor (1+2+3)	50729 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Discontinued by the public prosecutor because the offender could not be identified	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	18131 [] NA [] NAP
3. Discontinued by the public prosecutor for reasons of opportunity	32598 [] NA [] NAP

Comments "Data for Q107 to Q109 relates to financial year 2016-17. Q107 and Q108 – Figures taken from Crown Office and Procurator Fiscal (COPFS) live operational case management system, specifically designed to receive criminal and death reports from the police and other specialist reporting agencies and to manage these cases for prosecution purposes. The information held on the system is structured for these operational needs, rather than for statistical reporting or research purposes. 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 2016-2017 will not result in a disposal that year, and some of the disposals in 2016-17 will relate to cases reported in earlier years. Q107.1 These figures were previously collated manually, but this collection was discontinued from 1 April 2016. Q108: In (1), cases where offender is not identified are not received by prosecutor. Figure for (2) includes cases where there is insufficient admissible evidence, cases which are time barred, cases which are not a crime and cases where the prosecutor has no jurisdiction. Figure for (3) includes all other reasons for discontinuing a case.

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. "

109. Do the figures include traffic offence cases?

- Yes
- No

Comments

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

Sources: 91-102 - SCTS
107-109 - COPFS

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. (Modified question) How are judges recruited?

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



Comments There are no legal or statutory provisions in relation to gender equality, nor are there explicit elements in the appointments procedure that require a preference for female candidates. The Judicial Appointments Board for Scotland does, however, have a diversity committee that looks to address these issues.

110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

Yes

No

Comments - If yes, please specify:

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

an authority made up of judges only

an authority made up of non-judges only

an authority made up of judges and non-judges

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

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

Yes

No

Comments

112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

Yes

No

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

113. What is the procedure for judges to be promoted? (multiple answers possible)

Competitive test / Exam

Other procedure (interview or other)

No special procedure

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

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

Years of experience

Professional skills (and/or qualitative performance)

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

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

114. (Modified question) Is there a system of qualitative individual assessment of the judges’ work?

- Yes
- No

Comments

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

- Annual
- Less frequent
- More frequent

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of prosecution services?

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

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

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

- Yes
- No

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

116. How are public prosecutors recruited?

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

Comments By way of competency based interview and, depending on the role (i.e. seniority, grade, experience required), we may also use additional selection methods such as - advocacy skills assessment, in tray exercise or other written exercise

117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of

their career recruited by:

- an authority composed of public prosecutors only
- an authority composed of non-public prosecutors only
- an authority composed of public prosecutors and non-public prosecutors

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

117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- Yes
- No

Comments - If yes, please specify:

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

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

Comments

119. What is the procedure for prosecutors to be promoted? (multiple answers possible)

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

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

119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

- Yes
- No

Comments - If yes, please specify: COPFS runs recruitment processes which are equality impact assessed in accordance with UK Equality Act 2010 minimum standards. Selection decisions are made after 'competency-based' interviews run by trained personnel.

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

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other

No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"): Assessment relates to performances at competency based interview and taking into account any other assessment, such as written exercise or presentation, although these additional assessments are not always applied, but will depend on the particular level of role - i.e. a more senior role will usually have an additional assessment element.

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

Yes

No

Comments

5.1.3.Mandate and retirement of judges and prosecutors

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

Yes, please indicate the compulsory retirement age:70

No

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

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

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments

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

Yes, duration of the probation period (in years):

No

NAP

Comments

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

Yes, please indicate the compulsory retirement age:see comment box

No

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

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

Yes, duration of the probation period (in years):6 months

No

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

Yes, what is the length of the mandate (in years)?

No

Comments NAP

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

Yes, what is the length of the mandate (in years)?

No, what is the length of the mandate (in years)?

Comments NAP

5.2. Training

5.2.1. Training of judges

127. Types of different trainings offered to judges

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in the court)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions of the court (e.g. court president)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in courts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

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

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

In-service training for management functions of the court (e.g. court president)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in courts	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges:

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors

	Compulsory	Optional	No training proposed
Initial training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
General in-service training	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions in the courts (e.g. Head of prosecution office, manager)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in office	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

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

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

In-service training for the use of computer facilities in office	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
---	--

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: Public prosecutors are mainly trained in-house within COPFS. Technical legal trainers are employed to provide such training as required. Additionally, external training and qualifications will be funded where there is a business case to do so. In these ways, training is provided regularly.

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

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
One single institution for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

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

	Budget of the institution for the reference year, in €
One institution for judges	187580 <input type="checkbox"/> NA <input type="checkbox"/> NAP
One institution for prosecutors	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
One single institution for both judges and prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

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

. n/a

5.3.Practice of the profession

5.3.1.Salaries and benefits of judges and prosecutors

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

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	155547 [] NA [] NAP	[X] NA [] NAP	133506 [] NA [] NAP	[X] NA [] NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	240874 [] NA [] NAP	[X] NA [] NAP	206742 [] NA [] NAP	[X] NA [] NAP
Public prosecutor at the beginning of his/her career	35067 [] NA [] NAP	25660 [] NA [] NAP	30098 [] NA [] NAP	22024 [] NA [] NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments Comment from the SCTS:

Sheriff Principal: £145,614 - Sheriff: £134,841 - Senator Outer: £181,566 - Senator Inner: £206,742 - Lord President Scotland: £225,090 - Lord justice Clerk Scotland: £217,409 - Summary Sheriff: £108,171

133. Do judges and public prosecutors have additional benefits?

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

Comments

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

[X] NAP

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

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

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

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

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

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

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

() Yes

(X) No

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

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

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

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

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

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

Comments

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

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body

- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):

Comments

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

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (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
Total number (1+2+3+4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: During the period of 1 September 2016 to 31 August 2017; 95 complaints were concluded under the complaints Rules. 78 complaints were dismissed by the Judicial Office as being about a judicial decision. 8 complaints were dismissed by the disciplinary judge. 6 were sent to investigation but all were not substantiated. 2 complaints were deemed to be withdrawn by the complainer. 1 complaint was dismissed because the judicial office holder ceased to hold office. Full complaints report for the period is on our website under "publications" - www.scotland-judiciary.org.uk

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

	Judges	Prosecutors
Total number (total 1 to 9)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Temporary reduction of salary	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
6. Position downgrade	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
7. Transfer to another geographical (court) location	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
8. Resignation	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
9. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. OTHER = Misconduct. Data from 1 April 2016 - 31 March 2017

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

Sources: Judicial office of Scotland/COPFS

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers



146. Total number of lawyers practising in your country:

[11321]

[] NA

[] NAP

Comments SLAB: including practising advocates

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

Yes ()

No (X)

Comments

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

[4618]

[] NA

[] NAP

Comments

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

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP
Dismissal cases	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP
Criminal cases - Defendant	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP
Criminal cases - Victim	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP
Administrative cases	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP
There is no monopoly	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP

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

- victims are not a party to criminal proceedings;
- in criminal proceedings, an accused person may not conduct their own case where a witness is to give evidence in certain types of cases

such as sexual offences, where a child under 12 is to give evidence in certain proceedings and cases involving other vulnerable witnesses (see sections 288C, 288E and 288F of the Criminal Procedure (Scotland) Act 1995;

149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP
Family member	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP
Self-representation	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP
Trade union	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP
Other	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP	() Yes () No <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify. In addition, please specify for the categories mentioned, the types of cases concerned by this/these representation(s): Civil:

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

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

Chapter 1A of the Ordinary Cause Rules 1993

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

Chapter 12B of the Court of Session Rules 1994

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

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

Criminal:

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

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

Notarial activity

Arbitration / mediation

Proxy / representation

Property manager

Real estate agent

Other law activities (please specify):

Comments

149-2. What are the statuses for exercising the legal profession in court?

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

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

- Yes
- No

Comments

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

- Yes
- No

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

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

Sources: Law Society of Scotland.

6.1.2. Practicing the profession

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

- Yes

() No

Comments Presuming the question relates solely to court cases, the Scottish Courts and Tribunals Service publishes information about the fees applicable to various types of action which solicitors can set out in the terms of business letter that they are required to provide to their clients. However, only some costs can be provided with certainty. The overall cost will be an estimate and will vary depending on the length/complexity of the case. Perhaps the comments box could specify that court users can expect a terms of business letter from their solicitor estimating what the fees will be, which will include certain fixed fees set by the court depending on the type of case/court in question.

Furthermore, additional fees will be payable if an advocate is instructed. The fee which an Advocate will charge for a particular piece of work may be discussed with the Advocates' Clerk and a fee arrangement agreed in advance. If a fee hasn't been agreed in advance and the client is dissatisfied with the level of the fee which an Advocate proposes to charge, s/he may insist that the fee be referred to the Auditor of the Court of Session, an independent public official, who will determine whether the fee is reasonable in the circumstances. Advocates may act on a speculative ("no win no fee") basis. In these circumstances, clients will only have to pay the Advocate's fee if s/he is successful. If s/he is eligible for legal aid, legal aid may in appropriate cases cover the services of an Advocate.

155. Are lawyers' fees freely negotiated?

(X) Yes

() No

Comments

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

[] Yes laws provide rules

[X] Yes standards of the bar association provide rules

[] No neither laws nor bar association standards provide rules

Comments

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

(X) Yes

() No

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

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

[X] the bar association

[] the Parliament

[X] other (please specify):

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

The Law Society of Scotland Practice Rules 2011 set out standards of conduct and the Society has also set standards of service, which are guidelines as opposed to practice rules. Standards of service refer to the quality of the service a client can expect from a firm of solicitors or an individual solicitor. There are other sources of quality standards – under the Legal Profession and Legal Aid (Scotland) Act 2007, the Scottish Legal Complaints Commission can issue guidance in the form of "Best Practice Notes" and make recommendations about standards expected in relation to systems operated by practitioners for dealing with complaints; the Scottish Legal Aid Board has set quality assurance criteria for solicitors conducting criminal and children's legal aid work; and the Financial Conduct Authority regulates a

number of solicitor firms in Scotland in relation to the investment business they carry out. Relevant standards are set out in the FCA handbook.

Advocates are subject to regulation by the Faculty of Advocates, under powers delegated to it by the Court of Session (Scotland's supreme civil court). The Court of Session is responsible for regulating the professional practice, conduct and discipline of Advocates under the Legal Services (Scotland) Act 2010. The Court has delegated this responsibility to the Faculty of Advocates. Rules which the Faculty makes are subject to approval by the Lord President of the Court of Session. The Guide to Professional Conduct sets out the principles and rules of professional conduct applicable to advocates in Scotland.

159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify: A complaint cannot be filed or investigated in the same way (or to the same bodies) as a complaint about service or conduct. However, clients can challenge the amount by asking for their file to be referred to an auditor of the court to examine. If s/he agrees it's excessive, the firm needs to reduce the fee and pay the auditors costs. If it's found not to be excessive, the client needs to pay the full amount and the auditor's costs.

160. Which authority is responsible for disciplinary procedures?

the judge

the Ministry of Justice

a professional authority

other (please specify):

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

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

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1448 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	281 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	1132 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	35 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: There are very important variations for Breach of professional ethics and Professional inadequacy. These are due to a change in methodology - and make comparison with previous data irrelevant. The Law Society of Scotland is only authorised to investigate conduct complaints (breach of ethics). The SLCC will hold data on professional inadequacy.

Professional Ethics Conduct complaints initiated (LSS)-281

(OTHER) Professional misconduct cases referred (SSDT) - 35*

Professional inadequacy Service complaints (SLCC) - 1132*

* - These are not newly initiated complaints as such, they are initiated/referred by the Law Society to the Scottish Solicitors Discipline Tribunal (prosecution before the Tribunal being one of the penalties the Society can impose after investigating a complaint).

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	12 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. Permanent exclusion from roll of solicitors.

Additional sanctions include "restriction" (restriction on a practicing certificate means that the Tribunal can impose whatever restrictions they think fit. The conditions need to be sufficiently specific, realistic and achievable. The normal restriction is that the respondent can only work under the supervision of an employer approved by the Law Society); compensation where there is evidence of loss, stress and/or inconvenience to the client/complainer; strike-off (permanent removal of ability to practise)

This data came from SSDT report.

7. Alternative dispute resolutions

7.1. Mediation

7.1.1. Details on mediation procedures and other ADR

163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.

Yes

No

Comments

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

Before going to court

Ordered by a judge in the course of a judicial proceeding

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

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

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

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

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

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

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

(X) Yes

() No

Comments - If yes, please specify: Mediation is covered by the Legal Aid Fund but it can only be funded when a solicitor is involved and is done so as an outlay on the solicitor's account.

Legal aid for family mediation: Legal aid may be made available for mediation supplied by Relationship Scotland affiliated mediators (RS) and from accredited solicitors who are members of Comprehensive Accredited Lawyer Mediators (CALM). Where solicitors wish to make use of mediation involving CALM or RS where a fee is charged, they must get the Board's approval before incurring the outlay. Legal aid will cover the client's half share of the total mediation fee, but not any charges for the opponent's half share, unless the opponent is also receiving publicly funded legal assistance. Where the court makes a remit for mediation and the client is an assisted person, the legal aid fund will bear the client's half share of the mediation expenses, and the solicitor does not need prior approval. However, where the assisted person is considering asking the court to make a remit for mediation, the solicitor needs to apply to the Board for prior approval as unusual work.

Legal aid for non-family mediation: There is no restriction on the type of case which can be considered suitable for mediation. If a solicitor wishes to make use of mediation facilities, he/she must get the Board's approval before incurring the outlay. The Board will normally only consider requests for mediation involving mediators accredited by the Association of Mediators, the Centre for Dispute Resolution (CEDR), Core Solutions Group, Core Mediation or the Law Society of Scotland under its Accord scheme, although it is possible to agree to the use of other accredited specialists. Grant funded mediation: The Board also provides funding, through its grant-funding programme, for the Edinburgh Sheriff Court Mediation service which is managed by Citizens Advice Edinburgh. This service was established in 1995 and was funded by Scottish Government until funding was transferred to the Board in 2009. Scottish Government funding: Scottish Government provides core funding for Relationship Scotland, as well as support for local RS affiliated mediation groups. These also receive funding from local authorities. Scottish Government also provides core funding for the Scottish Mediation Network, one of whose services is a Telephone Helpline which provides a referral service to mediators for people seeking to resolve disputes either before or after they enter the court process. The Scottish Government also funds SACRO to provide a Community Mediation Service to deal with neighbourhood disputes.

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

[]

[X] NA

Comments

167. Number of judicial mediation procedures.

	Number of judicial mediation procedures
Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)	[X] NA [] NAP
1. Civil and commercial cases	[X] NA [] NAP
2. Family cases	[X] NA [] NAP
3. Administrative cases	[X] NA [] NAP
4. Employment dismissal cases	[X] NA [] NAP
5. Criminal cases	[X] NA [] NAP

Comments - Please indicate the source:

168. Does the legal system provide for the following alternative dispute resolutions (ADR):

- mediation other than judicial mediation
- arbitration
- conciliation
- other ADR (please specify):

Comments

G1. Please indicate the source for answering question 166:

Source: SLAB / Access to Justice (SG)

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning

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



Yes

No

Comments

170. Number of enforcement agents

[144]

NA

NAP

Comments

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

judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

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

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

Yes

No

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

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

	Option
Seizure of movable tangible properties	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of immovable properties	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP

Seizure of motorised vehicles	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input checked="" type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes with monopole <input type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments

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

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary sale of moveable or immovable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

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

- Yes
- No

Comments There is an initial three year training period together with professional examinations that must be completed and passed before an individual can apply for a commission as an enforcement agent.

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

- Yes

No

Comments

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

a national body

a regional body

a local body

NAP

Comments

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

Yes

No

Comments

175. Are enforcement fees freely negotiated?

Yes

No

Comments

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

Yes

No

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

H0. Please indicate the sources for answering question 170

Source: SMASO.

8.1.2. Efficiency of enforcement services

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

Yes

No

Comments

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

a professional body

the judge

the Ministry of Justice

the public prosecutor

other (please specify):

Comments Enforcement agents are appointed by the judge (Sheriff Principal) who has powers to investigate allegations of misconduct and can deprive the enforcement agent of his commission. All enforcement agents are required to be members of a professional body who also set standards and refer complaints to the judge. The enforcement officer is also required to provide information to a government agency (Accountant in Bankruptcy)

179. Have quality standards been determined for enforcement agents?

Yes

No

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

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

a professional body

the judge

the Ministry of Justice

other (please specify):

Comments

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

Yes

No

Comments - If yes, please specify:

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

Yes

No

Comments - If yes, please specify:

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

no execution at all

non execution of court decisions against public authorities

lack of information

- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other (please specify):

Comments 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.

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

- Yes
- No

Comments - If yes, please specify:

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

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

Comments

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

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

Comments n/a

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

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP

1. For breach of professional ethics	0 [] NA [] NAP
2. For professional inadequacy	0 [] NA [] NAP
3. For criminal offence	0 [] NA [] NAP
4. Other	2 [] NA [] NAP

Comments - If "other", please specify: Failure to complete/submit continuous professional development training and failure to submit statistical information required by legislation.

188. Number of sanctions pronounced against enforcement agents:

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

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: In the two cases indicated the appropriate judge allowed the enforcement agents to remedy the complaints without issuing any other sanction.

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

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

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters



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

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify):

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

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

- Yes
- No

Comments

191. If yes, what is the recovery rate?

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

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Number of notaries
TOTAL	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Private professionals (without control from public authorities)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Private professionals under the authority (control) of public authorities	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Public agents	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify the status: Although in Scotland 'notary' is not a separate profession, there are currently 8 490

sworn notaries.

192-1. What are the access conditions to the profession of notary:

- diploma
- payment of a fee (e.g. purchasing office)
- co-opting of peers
- other

Comments

192-2. (Modified question) What is the duration of appointment of a notary?

- Limited duration, please indicate it in years:
- Unlimited duration

Comments In Scotland 'notary' is NOT a separate profession. Only practising solicitors may apply to be admitted as a notary public. The appointment lasts for as long as they practise.

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

- within the framework of civil procedure
- in the field of legal advice
- to certify the authenticity of legal deeds and certificates
- in the field of mediation
- other (please specify):

Comments

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

- in civil procedure
- in the field of legal advice
- to authenticate deeds/certificates
- in the field of mediation
- other

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

194-2. As well as these activities, what are the other ones that can be carried out by notaries?

- Real estate transaction
- Settlement of estates
- Legality control of gambling activities
- Authentication of documents
- Translations
- Signatures
- Other

Comments In Scotland 'notary' is NOT a separate profession. Only practising solicitors may apply to be admitted as a notary public. The appointment lasts for as long as they practise.

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?

a professional body

the judge

the Ministry of Justice

the public prosecutor

the Ministry of Interior

other (please specify):

Comments Law Society of Scotland

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

Yes

No

Comments In Scotland 'notary' is NOT a separate profession. Only practising solicitors may apply to be admitted as a notary public. The appointment lasts for as long as they practise.

11. Please indicate the sources for answering question 192:

Sources: Law Society of Scotland

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1. Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments

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

Yes



() No

Comments

199. Number of accredited or registered court interpreters:

[]

[X] NA

[] NAP

Comments

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

(X) Yes

() No

Comments - If yes, please specify:

201. Are the courts responsible for selecting court interpreters?

[] Yes, for recruitment and/or appointment for a specific term of office

[] Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

[X] No, please specify which authority selects court interpreters

Comments

J1. Please indicate the sources for answering question 199

Sources: SCTS

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts



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

[X] "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,

[] "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,

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

[] Other (please specify):

Comments

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

Yes

No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?) there is a list of expert witnesses/professional witnesses and judicial experts directory - <https://www.lawscot.org.uk/members/business-support/expert-witness/>

203. Is the title of judicial experts protected?

Yes

No

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

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

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

Comments Generally speaking, a witness may be deemed to be an expert where: they are consulted to give an opinion on a matter arising in litigation they have professional skills or qualifications which make such an opinion valuable, and they would not have been involved as a witness in the case had one or other of the parties not specifically asked them to give such an opinion. It is for the solicitor to choose the expert they wish to instruct. They must consider whether they are appropriate for the particular case in question and should identify an expert skilled in the specific field in which the expert evidence is needed. For example, if the case is fairly routine and unexceptional, we would need a very convincing argument to authorise the “foremost expert in his field in Europe”, if he charged more than other experts with sufficient skill to deal with the case. SLAB must be satisfied that it is reasonable in all the circumstances of the case to sanction that expenditure.

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

the proceeding

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 mission entrusted to him/her, does the expert have to report any potential conflicts of interest?

Yes

No

Comments

205. Number of accredited or registered judicial / technical experts:

[]

NA

NAP

Comments

205-1. Who sets the expert remuneration?

- n/a

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

Yes

No

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

207. Are the courts responsible for selecting judicial experts?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects judicial experts: Judicial experts are selected by parties.

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

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

Yes

No

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

K1. Please indicate the sources for answering question 205

Sources: SCTS and SLAB

12.Reforms in judiciary

12.1. Foreseen reforms

12.1.1. Reforms

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

1. (Comprehensive) reform plans Scottish Government's 2017-18 Justice Strategy -

<http://www.gov.scot/Topics/Justice/justicestrategy>

Law Order & Public Safety Policies (list of policies the Scottish Government is currently working on, including: Law Reform, Human Rights Reform and Civil Court and Tribunals Reform) - <http://www.gov.scot/Topics/Justice/policies>

Current bills in the Scottish Parliament with a justice theme - <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/576.aspx>

2. Budget n/a

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

3.1. Access to justice and legal aid n/a

4. High Judicial Council n/a

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. n/a

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities n/a

7. Enforcement of court decisions n/a

8. Mediation and other ADR n/a

9. Fight against crime n/a

9.1. Prison system n/a

9.2 Child friendly justice n/a

9.3. Violence against partners n/a

10. New information and communication technologies n/a

11. Other n/a