

Scottish Courts and Tribunals Service



Audrey Nicoll MSP
Convener, Criminal Justice Committee
Scottish Parliament

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By email
[REDACTED]

9 February 2023

Dear Convener

Criminal Justice Committee – Bail and Release from Custody (Scotland) Bill stage 1 – Evidence Session 25 January 2023

I thank you for the opportunity to give evidence on 25 January 2023. During the session I confirmed I would provide further clarification in respect of the data SCTS has in relation to the number of individuals on remand awaiting trial, the estimated costs which SCTS will incur as a result of the Bill and further information in relation to the specialist courts in Glasgow, particularly the female offenders court which has recently been introduced.

Data on individuals on remand awaiting trial

There are 802 individuals on remand awaiting trial as of January 2023. Of these:

- 199 are in the High Court, which accounts for 28% of outstanding trials,
- 317 are in Sheriff Solemn, which is 12% of outstanding trials and
- 289 are in Sheriff Summary, which is 1% of outstanding trials.

The Scottish Prison Service have advised that the total number of individuals on remand awaiting trial at the end of January 2023 is 1936. The difference can be attributed to individuals who following a solemn petition hearing await service of the indictment by Crown Office, before a trial can be scheduled. The Scottish Prison Service have advised that there are a further 218 individuals in custody awaiting sentence

Estimated costs and implications of the Bill for SCTS.

In the first instance I would refer you to the information contained in the Financial Memorandum (<https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/bail-and-release-from-custody-scotland-bill/introduced/financial-memorandum-accessible.pdf>) which provides estimated costs and implications for SCTS of the Bail and Release from Custody (Scotland) Bill –

Costs are estimated to be under three main areas:

- £700,000 per annum in judiciary and staff costs if the court was to consider social work reports in all custody cases.
- £41,100 per annum in staff time to record the reasons why bail has been refused.
- £100,000 one off costs to carry out adaptations to the case management systems.

Specialist courts Glasgow

Please also find attached annexes setting out the referral procedures for the specialist female, youth and alcohol offender courts which sit in Glasgow Sheriff Court.

Referrals to the female offenders' court commenced on 1 December 2022 and the first court took place on Monday 23 January 2023. There were 26 cases, involving 10 accused. The court is currently programmed to run every fourth Monday.

I trust the above is of assistance to the Committee.

Yours sincerely



David Fraser
Executive Director Court Operations

[Redacted contact information]

Annex 1 – Female Offenders’ Court Referrals Procedures

Sheriffdom of Glasgow
and Strathkelvin



Female Offenders’ Court

Criteria / Referral Procedures

1. Offenders must live within the boundaries of the Glasgow City Council, East Dunbartonshire Council, South Lanarkshire Council, or North Lanarkshire Council areas. Offenders resident elsewhere are currently not eligible for admission.
2. There is no restriction on the type of case that may be referred (e.g. domestic offenders can be referred). The court will deal with both solemn and summary cases.
3. While there is no age restriction upon those who may be admitted to the Female Offenders Court, consideration should be given as to whether the Youth Court may be more suitable for those under the age of 25 at the date of plea or finding of guilt.
4. Consideration should be given as to whether the Drug Court or the Alcohol Court may be more suitable for female offenders with drug and / or alcohol issues.
5. A referral to the court will always be a matter for the presiding sheriff (in the same way as referrals to the other problem solving courts operate).
6. A criminal justice social work report, with a female offenders’ court suitability assessment, should be requested at the same time as the offender is referred to the court.
7. Admission to the Female Offenders Court will be a matter for the sheriff presiding there. New cases will call within the Female Offenders Court at 12.00 midday and those who have already been admitted to the court will have their cases called at 2.00 pm.

December 2022

Annex 2 – Youth Court Referral Procedures

Sheriffdom of Glasgow and Strathkelvin



Youth Court Criteria / Referral Procedures

1. Offenders must live within Glasgow City Council or South Lanarkshire Council boundaries. Offenders resident within East Dunbartonshire Council boundaries are currently not eligible for admission.
2. Offender must be under the age of 25 at the date of plea or finding of guilt.
3. There is no restriction on the type of case that may be referred (i.e. domestic offenders **can** be referred). The expectation is that the court will deal with summary cases only, however, solemn cases will be accommodated in exceptional circumstances.
4. Cases that begin before a sheriff (including those where there has been a trial) can be referred to the court, if appropriate. A referral to the court will always be a matter for the presiding sheriff (in the same way as referrals to the drug and alcohol courts currently operate).
5. Referrals will be allocated to the sheriffs presiding in the Youth Court according to the court programme / loadings.
6. A report from social work should be requested at the same time as the offender is referred to the Youth Court. Admission to the Youth Court will be a matter for the sheriff presiding there.

August 2022

Annex 3 – Alcohol Court Referral Procedures

Sheriffdom of Glasgow and Strathkelvin



Alcohol Court Criteria / Referral Procedures

1. Offenders must live within Glasgow City Council boundaries. Offenders resident within East Dunbartonshire Council or South Lanarkshire Council boundaries are currently not eligible for admission.
2. The offending of the accused must have been significantly contributed to by alcohol.
3. While there is no age restriction upon those who may be admitted to the Alcohol Court, consideration should be given as to whether the Youth Court may be more suitable for those under the age of 25 at the date of plea or finding of guilt.
4. There is no restriction on the type of case that may be referred (i.e. domestic offenders **can** be referred). The expectation is that the court will deal with summary cases only, however, solemn cases will be accommodated in exceptional circumstances.
5. Cases that begin before a sheriff (including those where there has been a trial) can be referred to the court, if appropriate. A referral to the court will always be a matter for the presiding sheriff (in the same way as referrals to the drug and youth courts currently operate).
6. Referrals will be allocated to the sheriffs presiding in the Alcohol Court according to the court programme / loadings.
7. A report from social work and an alcohol court assessment should be requested at the same time as the offender is referred to the Alcohol Court. Admission to the Alcohol Court will be a matter for the sheriff presiding there.
8. New cases will call within the Alcohol Court at 12.00 midday and those who have already been admitted to the court will have their cases called at 2.00p.m.

September 2022