

24 July 2023

Richard Leonard MSP  
Convener  
Public Audit Committee  
Scottish Parliament

Dear Convener

On 8 June 2023 I provided evidence to the Committee on my [Criminal courts backlog](#) performance audit report. As part of this, Committee members requested further information, which I have responded to below.

### **Digital Evidence Sharing Capability system**

The Digital Evidence Sharing Capability system is being piloted in Dundee. This is currently focused on summary cases. When fully implemented, the Scottish Government anticipates that the system will support all case types including solemn.

### **Remand time limit extensions**

The Coronavirus (Scotland) Act 2020 introduced time limit extensions for those being held on remand prior to a trial without the court granting an extension. For solemn proceedings, remand time limits were extended by six months, and for summary proceedings remand time limits were extended by three months. Full details of the pre-Covid remand time limits and current remand time limits are included in the appendix to this letter.

I hope that committee members find this information helpful. The Scottish Government and Scottish Courts and Tribunals Service would be best placed to provide additional detail should this be required by the committee.

Yours sincerely

**Stephen Boyle**  
Auditor General for Scotland

## **Appendix: Remand time limit extensions**

### **Solemn proceedings**

Prior to the pandemic, in solemn proceedings, an accused person could not be detained for a total period of more than:

- 80 days, unless within that period an indictment was served on them, failing which they would be entitled to bail

where an indictment had been served on the accused –

- 110 days if no first diet (sheriff solemn cases) or preliminary hearing (High Court cases) had been held, failing which the accused would be entitled to bail
- 140 days unless the trial began within that period.

The periods above could be extended by the court under section 65(5) or on appeal under section 65(8) of the Criminal Procedure (Scotland) Act 1995.

The Coronavirus (Scotland) Act 2020 extended these time limits by 6 months.

The Coronavirus (Recovery and Reform) Act 2022 states that an accused person who is remanded in custody in connection with an offence in solemn proceedings must not be detained for a total period of more than:

- 260 days, unless within that period an indictment is served on the accused, failing which the accused will be entitled to bail, and

where an indictment has been served on the accused –

- 290 days, unless a preliminary hearing (High Court cases), or a first diet (Sheriff Court cases) is commenced within that period, failing which the accused will be entitled to bail,
- 320 days, unless the trial of the case is commenced within that period, failing which the accused will be entitled to bail.

The periods mentioned in the Coronavirus (Recovery and Reform) Act 2022 above may still be extended under section 65(5) or on appeal under section 65(8) of the Criminal Procedure (Scotland) Act 1995.

### **Summary proceedings**

Prior to the pandemic, in summary proceedings, a person charged with an offence in summary proceedings could not be detained in that respect for a total of more than 40 days after the bringing of the complaint in court unless their trial was commenced within that period. These periods could be extended by the court under section 147(2), or on appeal under subsection (3) of that section of the Criminal Procedure (Scotland) Act 1995.

The Coronavirus (Scotland) Act 2020 extended these time limits by 3 months.

The Coronavirus (Recovery and Reform) Act 2022 states that an accused person who is remanded in custody charged in connection with an offence in summary proceedings must not be detained for a total period of more than 130 days after the bringing of the complaint in court unless the trial has commenced within that period, failing which the accused must be released

and discharged for ever in connection with the offence. The period may still be extended under section 147(2), or on appeal under subsection (3) of that section of the Criminal Procedure (Scotland) Act 1995.