Crown Office and Procurator Fiscal Service

Crown Agent and Chief Executive's Office
25 Chambers Street
Edinburgh
EH1 1LA
Scotland

Tel: 0300 020 3000

5 November 2026

David Linden MSP
Convener
Criminal Justice Committee
The Scottish Parliament

Dear Convener

Management of increased solemn casework demand

I am writing to make you aware of the steps that the Crown Office and Procurator Fiscal Service (COPFS) is taking to meet the challenges facing the criminal justice system from the increased volume and complexity of solemn casework over the next six to twelve months.

The scale of the challenge is significant. Between October 2026 and March 2027, COPFS is facing a sharp but temporary increase in solemn casework as the final cases subject to the extended pandemic time-bar arrangements are indicted for trial in either the High Court or the Sheriff Court.

During that time COPFS expects to indict more than twice the usual number of potential High Court cases. For context, that means an increase from approximately 110 cases to around 240 each month. That is a meaningful increase but one for which we have planned. In the summer of 2027, the numbers are projected to return to levels seen over the last year, which remain consistently higher than they were before the Covid-19 pandemic.

Case volumes are not a challenge for COPFS alone but a system-wide issue for justice partners. In June, the Lord Justice General highlighted the need for new ways of working to support a fair, robust and efficient system of criminal justice across Scotland. In September, at the opening of the new legal year, he again described the unprecedented challenge for the system in dealing with this volume of casework and emphasised the need for a system response.

Senior officials from COPFS and the Scottish Courts and Tribunals Service (SCTS), working through the Criminal Justice Board, have been sharing caseload data and

projections and considering the operational capacity of both organisations. Additional High Court trial capacity is planned from January 2027, and the Criminal Justice Board has undertaken detailed work to consider the potential impact of that capacity on the prison population.

COPFS is implementing further operational measures to ensure that cases in which prosecution is merited can proceed within the applicable statutory time limits, including redeployment of staff from other high-priority work. The experience of applying these measures in October has been that they are effectively managing the increase in cases.

A central element of this approach is the earlier, rigorous consideration of prosecutorial decisions in accordance with the Prosecution Code, including whether proceedings are merited, the appropriate forum for prosecution and whether an application to extend a statutory time limit is justified. Prosecutors continue to seek appropriate opportunities to resolve cases without trial at the earliest stage where appropriate. The test for prosecution has not changed, and every case will continue to be considered on its individual merits.

The measures being taken are intended to reduce avoidable delay in cases coming to trial and the risk of cases being unable to proceed because statutory time limits have expired. They do not change the requirement for prosecutors to make independent decisions on the merits of each case and in accordance with the Prosecution Code.

Our focus is on meeting these challenges, continuing to fulfil our obligations to provide information and support to victims and witnesses, and to work with victim support organisations and other partners in the months to come.

We expect these measures to safeguard prosecutions, make effective use of available capacity and support timely access to justice for victims, witnesses and accused persons. We recognise that they may have implications for other justice partners, including the courts, defence practitioners, victim support organisations and those responsible for custodial services.

Victim support agencies have been contacted and have engaged constructively to explore the operational implications of these measures and how we can work together to mitigate any impact on victims.

COPFS will continue to engage with the Scottish Government, SCTS and other partners to assess the operational impact of these measures and support wider reforms aimed at reducing the time taken for cases to reach trial.

I wanted to ensure that the Committee was aware of the projected increase in demand, the measures being implemented and their potential implications. COPFS remains committed to maintaining public confidence in the effective and independent prosecution of crime, and I would be pleased to provide the Committee with further information as this work progresses.

Yours sincerely

John Logue
Crown Agent and Chief Executive