

CRIMINAL COURT PROCEDURE

If I am charged with an offence, when must I appear in court?

The police may give you a date to appear in court or you may receive a summons, by post or through the police, which will tell you when you have to attend court.

Do the police decide whether to prosecute someone?

No. The police report to the Procurator Fiscal who decides whether to prosecute.

Can the victim of an offence drop the charges?

No. The decision whether or not to proceed lies with the Procurator Fiscal.

Who is the Procurator Fiscal?

The Procurator Fiscal is the public prosecutor in Scotland. He or she pursues criminal cases in court on behalf of the Crown.

What if I am remanded in custody?

If you are charged with a serious crime you can be detained for up to 140 days. If you are charged with a less serious crime you can only be detained for up to 40 days. Sometimes these periods may be extended.

Summary Procedure in criminal cases

Summary procedure is the court procedure used to deal with less serious offences. Such cases are dealt with either in the Justice of the Peace Court or the Sheriff Court. In the Justice of the Peace Court a magistrate sits alone and in the Sheriff Court a Sheriff sits alone. There is no jury. The magistrate or Sheriff hears the evidence and gives the verdict. Sentences in Summary Procedure are generally lower than those of Solemn Procedure.

Solemn Procedure in criminal cases

Solemn procedure is the court procedure used to deal with more serious offences. Such cases are dealt with either in the Sheriff Court or in the High Court. These cases all involve a jury. In the Sheriff Court the Sheriff presides and the jury decides the verdict. In the High Court a Judge presides and the jury decides the verdict.

Is there a jury for all criminal trials?

No. Only the more serious crimes under Solemn Procedure are heard before a jury.

How is a jury made up?

A jury in Scotland comprises 15 people, selected from a pool of people who are requested to attend court on that day for jury service. The 15 on the jury are chosen by drawing names at random.