



scottish court service
an introduction

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Who are we?

We are an Executive Agency of the Scottish Executive Justice Department. We are responsible for the speedy, efficient and cost-effective administration of Scotland's Supreme and Sheriff Courts.

Our aim is to help secure ready access to justice for the people of Scotland.

To achieve this aim we have the following objectives:

- to provide the staff and services required to meet the needs of the judiciary and court users
- to provide courthouses of appropriate size and quality
- to develop and implement the Justice Charter for Scotland and the Scottish Court Service Court Users Charter
- to secure value for money and to manage the Agency's resources efficiently and effectively.

What is the Justice Charter for Scotland?

The Justice Charter is part of the Government's Citizens Charter programme, which aims to improve the standard of all public services. As part of this programme we are developing a range of charter standards for all our customers, from jurors to witnesses. For example our Court Users Charter states that people coming to court can expect the following:

- a clearly marked reception/information point
- clear signposting
- adequate and comfortable accommodation
- reading material in witness rooms
- access to a public telephone
- sufficient clean toilets
- refreshment facilities and toys for children (except in smaller courts).

To ensure that we meet the standards required the Minister of Justice for Scotland sets targets that are reviewed annually. How well we do against these targets is reported in our Annual Report and Accounts. The targets are set to ensure a high level of service to court users and the public.

Copies of the Justice Charter, our Court Users Charter and other Charter Standards are available from the address at the end of this booklet. You can also download them from our website:

www.scotcourts.gov.uk

People from all walks of life may at some time need to visit or contact one of our courts or offices, particularly the one in their area. Remember that we are always happy advise you on procedural and administrative matters.

More detailed information about many of the areas covered by this booklet is available in other SCS publications. You can get these from your local court or SCS office, or by writing to, phoning or emailing us. Most can also be downloaded from our website.

How are we organised?

- The Scottish Court Service is divided into 3 operational areas:
- The Supreme Courts, which includes the Court of Session, the High Court of Justiciary and the Accountant of Court's Office
- The Sheriff Courts, which are divided into six regional Sheriffdoms, and
- Agency Headquarters.

What happens in the Supreme Courts?

The Supreme Courts are made up of:

- the Court of Session,
- the High Court of Justiciary and
- the Accountant of Court's Office.

The Principal Clerk of Session and Justiciary is responsible for the administration of these areas.

The Court of Session

The Court of Session is based at Parliament House in Edinburgh (phone: 0131 225 2595). It is the most important civil court in Scotland. It sits as an appeal court, and a civil court dealing with disputes between people and/or organisations. These might involve cases relating to debt, damages, divorce and children. The principal judge is called the Lord President.

Our staff in the General, Petition and Extracts Departments deal with administrative functions for civil cases in the Court of Session.

The High Court of Justiciary

The High Court of Justiciary deals with criminal appeals and serious criminal cases. It sits in Parliament House and has a separate building in Edinburgh's Lawnmarket (phone: 0131 240 6900) and at Glasgow's Saltmarket (phone: 0141 552 3795).

Trials are held before a judge and jury. The principal judge in the High Court is called the Lord Justice-General. In Scotland, a jury consists of 15 people who are selected for each trial by ballot. People cited to attend for jury service are chosen randomly from the electoral roll. Although the court is based in Edinburgh, trials can be held in Sheriff Courts throughout Scotland. This reduces inconvenience to witnesses, jurors and court users.

Our staff in the Justiciary Office deal with administrative functions relating to criminal matters.

The Accountant of Court's Office

The Accountant of Court's Office is supported by the administrative staff of the Supreme Courts and is based in Parliament House, in Edinburgh (phone: 0131 225 2505).

The main duties of the Accountant of Court are to supervise and advise:

- judicial factors, who are appointed to manage the financial affairs of partnerships, trusts or individuals

- curators bonis, who are appointed to look after the property of someone who is unable to do so for themselves

The Accountant of Court is also the Public Guardian. However, the Office of the Public Guardian is based at Hadrian House in Falkirk (phone: 01324 678300). This office has a variety of duties relating to the Adults with Incapacity (Scotland) Act 2000.

These duties include the following.

- Maintaining the public registers of court appointments and orders relating to guardians, attorneys and others appointed to manage the property, financial affairs and personal welfare of incapable adults.
- Supervising, monitoring and investigating complaints about guardians, attorneys and others.
- Providing advice and guidance on the functions of guardians, attorneys and others.

What happens in the Sheriff Courts?

For legal purposes, Scotland is split into six regions called Sheriffdoms:

- Glasgow and Strathkelvin
- Grampian, Highland and Islands
- Lothian and Borders
- North Strathclyde
- South Strathclyde, Dumfries and Galloway
- Tayside, Central and Fife.

Each Sheriffdom has a Sheriff Principal who, in addition to hearing appeals in civil matters, has responsibility for the conduct of the courts.

Within these Sheriffdoms are 49 Sheriff Courts, varying in size and design, but all serving the same purpose. Most cases are heard before a judge called a sheriff.

Local sheriff clerks and their staff administer the work of the Sheriff Courts. This work can be divided into three main types:

- civil
- criminal
- commissary

Civil business

- Most civil business involves disputes between people and/or organisations. Sheriff Courts deal with three main types of civil business:
- Ordinary Actions, which deal mainly with cases involving divorce, children, property disputes and debt or damages claims exceeding £1,500.
- Summary Causes, which deal mainly with disputes involving rent arrears, delivery of goods and debts between £750 and £1,500.
- Small Claims, which is a fairly informal procedure for resolving minor disputes (mainly debts of less than £750). These cases often go through the courts without the need to consult a solicitor.

In addition, the Sheriff Court deals with many other civil applications and procedures, for example:

- adoption of children
- Liquidation of companies
- club and gaming licence applications
- simplified divorces
- Bankruptcies.

Criminal business

Sheriff Court criminal cases may be brought under either 'solemn' or 'summary' procedure.

Procurators Fiscal - Scotland's prosecuting lawyers - decide which procedure to follow.

- Solemn procedure is used in serious cases where the charge attracts a sentence of more than three months in prison or a fine more than £5,000. Trials are heard before a Sheriff sitting with a jury. If a Sheriff feels his sentencing powers are insufficient, the case may be remitted to the High Court.
- Summary procedure is mainly used for less serious cases where a Sheriff hears a case without a jury. Although the Sheriff's sentencing powers are restricted to three months' imprisonment, there are occasions when this may be increased.

We are responsible for all the administrative work for civil and criminal procedures including:

- recovery of fines
- compensation orders
- issuing court orders
- citation and management of jurors.

Commissary business

Commissary work deals mainly with the disposal of a deceased person's estate. This might include the person's house, personal possessions or any savings. The power granted by a court that allows an executor to collect and distribute the estate is called 'Confirmation'. This is only granted after an inventory of the deceased's estate is lodged in court.

If the estate has a gross value of £25,000 or less, it is classed as a 'Small Estate'. Staff at the local sheriff clerk's office can help an executor complete the inventory form. If the value of the estate is more than £25,000, an executor seeking Confirmation should consult a solicitor.

What happens at our headquarters?

Our headquarters provide the administrative and technical functions necessary for the smooth running of the courts, including policy work, procurement, personnel management, development of information technology, and statistical analysis.

Contacting us

For general enquiries, comments and suggestions, or if you are unsure of who can help, get in touch with us at:

Scottish Court Service Headquarters

Hayweight House

23 Lauriston Street

Edinburgh

EH3 9DQ

Phone: 0131 229 9200

Fax: 0131 221 6895

Email: enquiries@scotcourts.gov.uk

Website: www.scotcourts.gov.uk

Remember

We have no responsibility for judicial decisions.

We cannot comment on, or consider, any communication regarding a judicial decision. If you are unhappy with the outcome of a case, you may have a right to appeal against the decision. If you are in any doubt, seek legal advice immediately.

Sheriff courts

Glasgow and Strathkelvin: 0141 429 8888

Grampian, Highland and Islands

Aberdeen	Banff	Dingwall
01224 657200	01261 812140	01349 863153
Dornoch	Elgin	Fort William
01862 810224	01343 542505	01397 702087
Inverness	Kirkwall	Lerwick
01463 230782	01856 872110	01595 693914
Lochmaddy	Peterhead	Portree
01876 500340	01779 476676	01478 612191
Stonehaven	Stornoway	Tain
01569 762758	01851 702231	01862 892518
Wick		
01955 602846		

Lothian and Borders

Duns	Edinburgh	Peebles
01361 883719	0131 225 2525	01721 720204
Haddington	Jedburgh	Linlithgow
01620 822936	01835 863231	01506 842922
Livingston	Selkirk	
01506 462118	0175021269	

North Strathclyde

Campbeltown	Dumbarton	Dunoon
01586 552503	101389 763266	01369 704166
Greenock	Kilmarnock	Oban
01475 787073	01563 520211	01631 562414
Paisley	Rothesay	
0141 887 5291	01700 502982	

South Strathclyde, Dumfries and Galloway

Airdrie	Ayr	Dumfries
01236 751121	01292 268474	01387 262334
Hamilton	Kirkcudbright	Lanark
01698 282957	01557 330574	01555 661531
Stranraer		
01776 702138		

Tayside, Central and Fife

Alloa	Arbroath	Cupar
01259 722734	01241 876600	01334 652121
Dundee	Dunfermline	Falkirk
01382 229961	01383 724666	01324 620822
Forfar	Kirkcaldy	Perth
01307 462186	01592 260171	01738 620546
Stirling		
01786 462191		
