

THE REVIEW OF SUMMARY JUSTICE

CONSULTATION ON FIRST ORDER ISSUES

MARCH 2002

CONTENTS

	Page
The review of summary justice	3
The purpose of this consultation paper	5
What does summary criminal justice in Scotland mean?	5
The summary criminal courts in Scotland	6
Jurisdiction and sentencing powers of the summary courts	13
Non-court Disposals	17
Conclusion	21
 <u>Statistical Annexes</u>	
persons called to court by main offence, sex and age, 2000 sheriff summary courts	24
persons called to court by main offence, sex and age, 2000 stipendiary summary courts	25
persons called to court by main offence, sex and age, 2000 district courts	26
district court caseload and staffing, 2000-2001	27
sheriff court caseload and staffing, 2000-2001	28
persons called to summary courts, 2000 percentage by age, sex and court type	29
persons called to summary courts, 2000 percentage by main offence and court type	30
persons with a charge proved in summary courts, 2000 percentage by sentence and court type	31

The Review of Summary Justice

The Deputy First Minister and Minister for Justice, Jim Wallace, announced on 11 September to a joint meeting of the Parliament Justice Committees his intention to review the provision of summary justice in Scotland.

This announcement followed on from a previous statement by the then Deputy Minister for Justice, Iain Gray, that the Executive intended to issue a consultation paper on the future of the district courts in Scotland. While preparing this consultation paper it became clear that focusing solely on the district courts would restrict consideration of issues which impact on the summary justice system as a whole. Consequently, the decision was taken to expand the review to cover summary justice generally (the district courts, and the lower summary end of the sheriff courts).

To take this work forward the Deputy First Minister recently appointed a review committee under my chairmanship. The remit which was set for us is as follows:

‘To review the provision of summary justice in Scotland, including the structures and procedures of the sheriff courts and district courts as they relate to summary business and the inter-relation between the two levels of court, and to make recommendations for the more efficient and effective delivery of summary justice in Scotland.’

The membership of the committee reflects the wide range of interests involved in the provision of summary justice, though members have been appointed as individuals rather than as representatives of particular organisations.

Members

Mr Cliff Binning	Scottish Courts Service
Mr Robin Christie	Stipendiary Magistrate, Glasgow District Court
Mr Michael Conboy	Commission for Racial Equality
Mr Alistair Duff	The Law Society of Scotland
Professor Peter Duff	Aberdeen University, Law Faculty
Mr Tom Dysart	Procurator Fiscal’s Office, Glasgow
Mrs Phyllis Hands	District Courts Association
Mr Tim Huntingford	Chief Executive, West Dunbartonshire Council
Sheriff Brian Lockhart	Sheriff at Glasgow
Mr Jim McColl	Chief Executive, Clyde Blowers Ltd
Mr David McKenna	Chief Executive, Victim Support Scotland
Mrs Helen Murray	Justice of the Peace, Perth Commission Area
Councillor George Purcell	Vice-President, CoSLA
Chief Constable David Strang	Dumfries and Galloway Constabulary

The committee has met 4 times since its establishment and the focus of these meetings has been primarily on how the committee should take its work forward. A brief summary of those meetings is available at the summary justice review web-site <http://www.scotland.gov.uk/summaryjusticereview>, where responses to the questions listed in this consultation document can also be submitted.

One substantive issue which the committee addressed was how, when and on what we should go out to consultation. It was agreed that in taking our work forward we will have to consider what can be termed 'first order' and 'second order' issues. First order issues were considered to be the main philosophical questions facing the committee, such as the use of lay justices in the summary courts and the jurisdictional boundaries between levels of court. Second order issues, such as administration, appointments and procedural matters can be seen to follow naturally from the consideration of first order issues and will be considered in detail later in the committee's lifetime.

This consultation document, therefore, sets out these first order issues within some background context and invites comment on them. It is envisaged that this document will be part of a wider consultation process. An electronic forum has been established on the summary justice review web-site and comments on summary justice generally will be welcomed.

John McInnes

March 2002

The purpose of this consultation paper

At this stage the Committee is particularly interested in six main issues:

- (a) what should the aims of the summary justice system in Scotland be?
- (b) what shortcomings or defects are there in the present system of summary justice in Scotland?
- (c) what should be done to improve it?
- (d) what types of court should deal with summary criminal cases in future?
- (e) what should the maximum powers of these courts be?
- (f) which types of case may appropriately be dealt with without there being a prosecution?

Before coming to any of these issues it may be helpful to describe the present court system briefly, particularly so far as it relates to summary criminal cases.

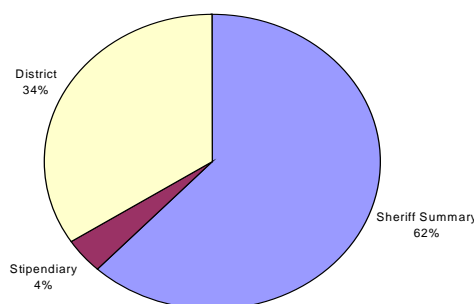
What does summary criminal justice in Scotland mean?

1. Criminal procedure is a phrase which describes the procedure for the investigation and prosecution of crimes and offences. Procedure in the criminal courts is principally regulated by the Criminal Procedure (Scotland) Act 1995. There are two distinct forms of criminal procedure in Scotland – solemn procedure and summary procedure. This consultation paper is concerned with aspects of summary procedure.

2. In solemn procedure, the trial is before a judge of the High Court or a sheriff, sitting with a jury of 15. The judge or sheriff decides questions of law and the jury decide questions of fact. The Crown decides whether to indict the case in the sheriff court, where the maximum sentence is three years, or in the High Court.

3. Summary criminal cases may be heard by a sheriff in the sheriff court or by a bench of one or more lay magistrates in the district court. In Glasgow District Court cases are also heard by a stipendiary magistrate sitting alone. In summary procedure the judge, whether a sheriff, a stipendiary magistrate or a lay justice sits without a jury and decides questions of both law and fact. Summary criminal trials are the most common form of trial in Scotland. Summary criminal proceedings account for 96% of criminal cases prosecuted in court in Scotland. They are dealt with in the sheriff and district courts across Scotland, though there are currently no district courts in Orkney and Shetland. The majority of summary criminal cases are dealt with at present in the sheriff court as the following chart shows.

Persons called to summary court, 2000
Percentage by court type



4. The term ‘summary procedure’ was applied in earlier times to cases where the alleged offender’s trial followed more or less immediately on from his or her apprehension. However, in practice, the time between the committal of an offence and trial can now often be far from summary. From a tracking exercise undertaken in April - September 1997, the table below shows the times taken between the date of a report being received by the procurator fiscal to the date the case was closed.¹ After 15 weeks, in both the district and sheriff courts around 50 % of cases had not been closed.

From Date of Report received by PF to Date Case Closed	by 10 wks		by 15 wks		by 25 wks		by 50 wks		by 75 wks	
	number	%	number	%	number	%	number	%	number	%
district courts	11,113	29%	18,773	50%	26,762	71%	33,645	89%	35,999	95%
sheriff courts	11,214	30%	17,141	45%	24,615	65%	32,962	87%	35,929	95%

5. The types of offence dealt with in the summary courts range from breach of the peace, shoplifting and fraud to serious assault and weapons offences, but they also include nearly all road traffic offences and a great many other offences. In 2000, almost 50% of persons called to the district court had a motor vehicle offence as their main offence. In the case of the sheriff courts, motor vehicle offences and crimes of dishonesty (such as housebreaking) accounted for over 50% of offences dealt with. Further statistical information on the weight and types of offence dealt with in the district and sheriff courts is set out in the first three tables at the end of this document.

The summary criminal courts in Scotland

6. As already noted, there are two separate courts having jurisdiction in summary cases in Scotland: the sheriff court and the district court. Each of these has its own history which has led to separate staffing and administrative arrangements.

The district courts

7. The district courts came into being on 16 May 1975 in accordance with the provisions of the District Courts (Scotland) Act 1975. Before that date there had been various lay summary criminal courts in Scotland, such as the burgh court, the police court and the justice of the peace court. As part of the broader agenda of local government reform in 1975 these ‘inferior’ courts were abolished and replaced with the district courts. This new regime was designed to retain the link to the local community, but also to combine continuing provision of local justice with a better balanced, national framework based on the reformed structure of local government in Scotland.

8. Under the 1975 Act, the district courts were aligned with each of the reorganised local authorities. Each district court has jurisdiction within a Commission Area, which coincides with the associated local authority district boundary. The district court bench in Scotland is

¹ It should be noted that these figures do not include the time taken between the offence being committed and a report being made to the procurator fiscal by the police.

almost exclusively staffed by lay justices of the peace (the exception being the stipendiary magistrates in Glasgow). The district court convenes with one, two or three justices presiding (the norm being one).

9. It is the statutory duty of local authorities to manage the district courts and there is no statutory or administrative provision for any central control or organisation of these courts. Each local authority decides for itself what building and other facilities to provide and how to prioritise the provision and up-keep of such facilities alongside its other estate management responsibilities. Funding from central to local government includes an element for the provision of a district court, but it is ultimately for local authorities to decide where to target their resources.

10. The clerks of the lay district courts are advocates or solicitors appointed by the relevant local authority. It is the clerk's duty to advise justices on matters of law, practice and procedure. However, the clerk takes no part in decisions on conviction or sentence.

The justice of the peace

11. The Commission of the Peace was originally instituted in Scotland in the 16th century. Initially, justices were given the task of administering the county within which they resided until this work passed to the County Councils with their establishment in 1888. Justices of the peace were then left with jurisdiction in the licensing board and minor criminal cases.

12. Appointment of justices of the peace is by recommendation from local Advisory Committees to Ministers of persons considered to be suitable in terms of character, integrity and understanding. There are just under 4,000 JPs in Scotland. Most of them are designated as signing justices and have signing duties only (such as signing a document for the purpose of authenticating another person's signature). Around 800 full justices who also sign documents are in addition able to sit in judgement in the district court. Before sitting on the bench, full justices are trained in basic law, procedures and sentencing issues with a view to ensuring that they exercise their discretion properly in the light of such legal advice as they may receive from their clerks.

13. The justice of the peace, along with jury service, is the current embodiment of lay participation in the Scottish criminal justice system. Neither the procedure relating to jury cases nor the arrangements for the lower courts have remained constant over the centuries, but reliance on the knowledge and understanding of local people has been a recurring theme. Local knowledge enables a justice to respond to local community concerns.

14. The fundamental requirement for being appointed a justice of the peace is that a candidate must live within 15 miles of the Commission Area to which he or she is to be appointed – only in exceptional circumstances of public interest will the Scottish Ministers waive that requirement. Similarly, justices' powers extend only as far as the jurisdiction of the Commission Area to which they are appointed.

15. Lay justices sitting in the district court can impose sentences of imprisonment or detention of up to 60 days. They can impose fines of up to £2,500. They can also impose a range of other sentences including probation orders, community service orders and compensation orders and totting up disqualifications.

The stipendiary magistrate

16. The district courts may also be presided over by stipendiary magistrates. Unlike justices of the peace who are unpaid laity, stipendiary magistrates are paid professionals. The option of appointing a stipendiary to a busy lay court has existed since the end of the 19th century and their powers were extended soon after their introduction to match those exercised by a sheriff dealing with summary criminal business. The District Courts (Scotland) Act 1975 continues to make such arrangements available.

17. It is necessary to have been qualified for five years as an advocate or a solicitor before being considered for appointment as a stipendiary magistrate. The approval of the Scottish Ministers is required for a full-time appointment. Similarly, Ministers have statutory authority to direct local authorities to appoint a qualified person as a stipendiary magistrate if it is considered expedient to do so in order to avoid delays in the administration of justice.

18. There are only four stipendiary magistrates in Scotland at present, all of whom are based in Glasgow. Like justices of the peace, stipendiary magistrates' jurisdiction extends only as far as that of the local authority and Commission Area to which they were appointed.

The sheriff courts

19. There are six sheriffdoms in Scotland each of which has a sheriff principal with sheriffs sitting in each main town. Like the Commission Areas for the district courts, the sheriffdoms have been created for jurisdictional purposes. The areas are: Grampian, Highland and Islands; Tayside, Central and Fife; Lothian and Borders; Glasgow and Strathkelvin; North Strathclyde; and South Strathclyde, Dumfries and Galloway. Apart from Glasgow and Strathkelvin these sheriffdoms are separated into districts for administrative convenience. The boundaries of these districts do not always coincide with those of local authorities. An offence committed in one district of a sheriffdom can be tried in a sheriff court of another district of the sheriffdom.

20. The Scottish Courts Service (SCS) administers the supreme court and sheriff courts throughout Scotland. It has responsibility for the administration and financial and resource management of the Court of Session, High Court of Justiciary, the Office of the Accountant of Court and 49 sheriff courts throughout the country. Employees of the SCS act as clerks of court in the High Court/Court of Session and the sheriff court. They are not required to be legally qualified. The SCS has no specific involvement with the district courts although district courts sometimes use sheriff court buildings.

The sheriff

21. The title of sheriff is an ancient one and can be traced back to late in the first millennium. In Scotland the office of sheriff can certainly be traced to the 12th century. Their original function was as local administrator, military officer, tax collector and judge.

22. Sheriffs are appointed from the ranks of solicitors and advocates of at least ten years seniority. In practice, newly appointed sheriffs are considerably more experienced than this. The great majority of sheriffs are sheriffs with jurisdiction in one sheriffdom. They are sometimes referred to as 'resident sheriffs'. So called 'floating sheriffs' hold commissions which enable them to sit in any sheriffdom as required. Resident and floating sheriffs have full-time, permanent appointments. There are also part-time sheriffs who are advocates or solicitors who are in practice or who have practised as such. They may be called on to help out as required in any sheriff court in Scotland. Honorary sheriffs are appointed by the sheriff principal and need not be legally qualified. They may only sit in the court in which they are appointed to assist when the resident sheriff is not available. They deal mainly with first appearances from custody and may be called upon to sign documents which require a sheriff's signature as a matter of urgency.

23. Although a full time sheriff is normally appointed to the court of a specific district, he or she has jurisdiction throughout the sheriffdom in which that district lies, and the sheriff principal can direct any of the sheriffs of his or her sheriffdom to sit in any district.

24. The criminal jurisdiction of a sheriff is both summary (the sheriff sits alone) and solemn (the sheriff sits with a jury). In relation to summary cases the maximum sentence of imprisonment or detention which the sheriff may impose is 3 months or, for a repeated crime or offence involving violence or dishonesty, 6 months unless a statute has been contravened which provides for a higher or lower maximum. The maximum fine is £5,000, again unless a statute has been contravened which provides for a higher or lower maximum. Sheriffs can impose a range of other sentences which include probation orders, community service orders, compensation orders, drug testing and treatment orders, restriction of liberty orders, supervised release orders and extended sentences. Jury trials in the High Court and the sheriff court follow essentially the same procedure. In a solemn procedure case the maximum sentence of imprisonment or detention which the sheriff can impose is 3 years, though the sheriff may remit the offender to the High Court for sentence if the case merits a longer sentence. This power is regularly used.

Issues on which views are sought

The aims of the summary criminal justice system

25. There are arguably three central tenets of any system of justice; fairness, effectiveness and efficiency. Most people will agree that summary justice must be *fair* to victims and accused alike. The system sets out to be *effective* in punishing, deterring and helping to rehabilitate offenders. The system should also be *efficient* in its use of time and resources.

26. These are general principles that apply to both solemn and summary justice – but are there objectives beyond this which the summary justice system in Scotland ought to deliver, such as that it should, so far as possible and consistent with the interests of justice, be *simple* and *quick*?

Q.1. What should the aims of the summary criminal justice system be?

Identifying defects in the present system of summary justice in Scotland and what the Committee needs to concentrate on to improve it

27. The Committee is particularly anxious to learn what people think of the present summary criminal justice system in Scotland, whether or not they work within the system or have come into contact with it in some capacity, perhaps as the victim of crime, as a witness, as an accused or as the relative or friend of someone who has come into contact with it.

28. There may be many views as to what should be improved and as to how it can be improved. The Committee is anxious not only to learn what these views are, but to discover who has these views so that there can be further discussion of them. Please feel free to raise any topic which you consider the Committee should address in response to the following questions. The answers will be of great assistance in guiding the Committee in its deliberations as to what requires to be reformed and which options for reform appear to be likely to be worth further consideration. At this stage radical and unconventional options are very welcome as well as suggestions for modest or no change. The Committee has an open mind.

29. That said, when it comes to prepare its final report the Committee will no doubt want to consider carefully the respects in which there is a clear need for change and the changes which might be feasible and sufficiently worthwhile to justify the disturbance of established arrangements, i.e. what will work in practice and be an improvement. Some workable improvements may be quite different from the present arrangements, which is why it is important that they are considered at an early stage so that the implications of them can be worked out.

Q.2. If you were invited to reform the summary criminal justice system, which aspects of it would you particularly wish to change, and why?

Q.3. What changes, in outline, would you like to see made to put right the defects which you perceive to exist in the summary criminal justice system?

The type of court or courts which should deal with summary criminal cases in future

30. The district courts deliver local lay justice. The sheriff courts also provide local justice but are presided over by a professional judiciary. The stipendiary magistrates are professional judges in an otherwise lay court.

31. In considering how the summary justice system might be arranged in the future it is necessary to ask whether or not the summary justice system should be presided over by lay or by professional judges or by both. It is also necessary to consider whether the current arrangements involving sheriffs, stipendiary magistrates and lay justices should continue, possibly with altered sentencing powers.

32. There are a variety of other options open for consideration. Summary criminal business could be dealt with exclusively, or to a substantially greater extent than at present,

by the lay magistracy with increased powers. Alternatively, all summary criminal business could be dealt with in an expanded sheriff court.

33. As a further alternative it would be possible, for example, to appoint stipendiary magistrates in sufficient numbers to deal with all summary criminal business. That could involve the abolition of the lay district court. Alternatively, it would be possible to make provision for stipendiary magistrates to be appointed to more than one Commission Area or for them to exercise their jurisdiction throughout Scotland. Provision might be made for them to hear summary criminal cases in the sheriff court as well as the district court. If stipendiary magistrates were to be a national as opposed to a local judicial resource they might be used to deal with a local backlog of summary criminal cases wherever that occurred.

34. A mixed bench of professional and lay judges, as used in some jurisdictions outside the United Kingdom is also an option which may be worth consideration.

Q.4. Should there be a single level of summary criminal court, and if so, who should hear cases in this court?

Q.5. If there should continue to be more than one level, what combination of sheriffs, stipendiary magistrates and lay justices should hear summary criminal cases?

Q.6. If stipendiary magistrates are to be retained should they be able to sit throughout Scotland?

Q.7. If so, should stipendiary magistrates be a national as opposed to a local judicial resource?

Q.8. Should stipendiary magistrates hear summary criminal cases in the sheriff court as well as in the district court?

Q.9. Should a bench consisting of a professional judge and one or more lay magistrates hear summary criminal cases?

The decision whether a case should be prosecuted summarily

35. It is currently for the Crown (i.e. the prosecutor) to determine whether to prosecute in the High Court, before a sheriff and jury or summarily and, if the decision is to prosecute summarily, whether to prosecute in the sheriff court or the district court. A factor which weighs heavily in that decision is the sentence which is likely to be imposed in the event of conviction. Accordingly, the maximum sentence which can be imposed by a particular court may have a considerable bearing on whether or not there will be a jury. Jury cases take longer and are more expensive than summary cases. More serious cases, such as murder and rape, may only be tried before a jury.

36. In the case of statutory offences, the legislation usually prescribes the form of procedure which should be used. Many such offences may be tried either way. Where both forms of procedure are open to the prosecutor, the gravity of the offence will usually determine his or her choice. Prescribing which crimes should only be tried one way or the other solely by reference to the type of crime is not a practical solution. For common law crimes (unless the offence is expressly reserved for trial in the High Court) the prosecutor

will have to consider whether an adequate sentence can be imposed by a summary court in the event of conviction. Assault, for example, may be very trivial or it may result in loss of life. In other jurisdictions, where there is a criminal code or all the criminal law is set out in statutes, specific provision is made as to which offences may be tried summarily.

37. The Committee is unaware of any dissatisfaction with the present arrangements in Scotland which give the Crown responsibility for deciding in which court to prosecute but there may be strongly held opinions that certain types of case should or should not be dealt with summarily and that there should be a system which prescribes how each case should be tried.

Q.10. Should it remain a matter for the Crown to determine whether a criminal case should be prosecuted summarily and in which level of summary court, or is there another way in which that issue should be decided?

Q.11. If this matter should be dealt with in some other way, by whom should the decision be taken and on what basis?

Jurisdiction and the sentencing powers of the summary courts

Current sentencing powers in the summary courts in Scotland

38. So far as imprisonment (or detention) and fines are concerned these may be summarised as follows:

Sheriff court summary	3 months imprisonment (but 6 months where the accused has a previous conviction for personal violence or dishonesty, or other periods where specified by statute)	statutory maximum fine, currently £5,000 (unless there is a lower or higher statutory maximum sum)
Stipendiary magistrate	as for sheriff court summary	as for sheriff court summary
District court	60 days imprisonment	Statutory maximum fine, currently £2,500 (unless there is a lower or higher statutory maximum sum)

The sheriff courts

39. The jurisdiction of the sheriff court is wide and includes both civil and criminal business. Sheriff courts have jurisdiction in both summary and solemn (more serious) criminal cases and hear cases involving all but the most serious of crimes, such as rape and murder. In cases of solemn procedure, a sheriff may sentence offenders to up to three years imprisonment (or detention of those under 21). In summary cases the maximum is 3 months (or 6 months for repeat offences involving violence or dishonesty). There are a very small number of statutory provisions which provide for higher maximum sentences, for example, the Police (Scotland) Act – 9 months and the Misuse of Drugs Act – 12 months. The maximum fine which may be imposed is £5,000, unless there is a lower or higher statutory maximum sum.

The district courts

40. In geographical terms, the jurisdiction of a district court extends to offences alleged to have been committed within its Commission Area. However, if there are allegations of offences in more than one Commission Area all offences may be tried in an area in which one of them was allegedly committed.

41. The district court has jurisdiction to try any statutory offence which is triable summarily, unless otherwise specified by statute. For example, lay district courts are not allocated cases involving theft by housebreaking, serious assault, forged bank notes or theft or reset where the value of property is substantial. They could not deal with cases of dangerous driving, for example, because, on conviction, disqualification from driving is obligatory unless there are special circumstances. The lay district court does not have power to disqualify from driving other than under the totting up provisions. The lay district court

cannot impose a fine exceeding level 4 on the standard scale, currently £2,500. The maximum term of imprisonment which can be imposed by the lay district court is 60 days.

42. The jurisdiction and powers of the district court may also be exercised by a stipendiary magistrate who has the same powers as a sheriff when dealing with summary business. That means that the maximum powers of sentence in the district court are increased for stipendiary magistrates. Specifically, stipendiary magistrates may imprison for a period not exceeding three months. If an accused has one or more previous convictions involving violence or dishonesty that period increases for such offences to six months.

Disqualification from driving

43. The Road Traffic Offenders Act 1988 specifies that the district courts may try any fixed penalty offence or any other offence in respect of which a conditional offer may be sent in terms of the offences covered by the Act. As has been noted the lay district court cannot try any offence involving obligatory disqualification, but they are able to disqualify for repeat offences (totting up). Allowing the district courts to deal with an extended range of road traffic offences, including those involving obligatory disqualification, would result in a change in the balance of the workload dealt with by lay district and sheriff courts.

Current sentencing powers in the summary courts in England and Wales

44. The sentencing powers of magistrates in England and Wales, where a single criminal offence is committed by an adult, include the imposition of fines (to a limit of £5,000), community service orders, probation orders or a period of not more than six months in custody. In England and Wales magistrates usually sit as a bench of 3 but occasionally sit as a bench of 2.

Current sentencing powers in the summary courts in Northern Ireland

45. In Northern Ireland the lower criminal courts have come to be the almost exclusive preserve of a professional magistracy. The tradition of the professionally qualified resident magistrate is long-standing and justices of the peace are mainly limited to performing out-of-court tasks. The sentencing powers of magistrates in Northern Ireland, where a single criminal offence is committed by an adult includes the imposition of fines (to a limit of £5,000) and a period of not more than six months in custody (as in England and Wales there are exceptions where a longer period of custody may be imposed).

The level of business in the Scottish summary criminal courts and the capacity of these courts

46. There have been very notable changes in the number of cases calling in district courts over the last decade. In 1990 84,000 accused were called to the district court. By 2000 that figure had fallen to 45,000. The business in the district courts has therefore halved over a period of about 10 years. The Annex on caseload and staffing in the district courts shows that the number of sittings in the district courts varies considerably across the country. It can be reasonably assumed that there is capacity for many but not all the district courts to undertake further work. Similarly, between 1990 and 2000 the number of persons called to sheriff summary courts fell by over 15 per cent. However, owing principally to the increase in

serious cases in the sheriff court, there is currently no significant spare capacity except in a few courts in remote areas. The High Court/Court of Session is under considerable pressure.

Persons called to court, 1990-2000

Year	All courts	Solemn Courts	Summary Courts			
			Total	Sheriff Summary	Stipendiary Magistrate	District
1990	197,722	4,614	193,054	98,158	11,300	83,596
1991	200,017	4,984	194,979	96,271	11,522	87,186
1992	198,038	4,961	193,003	96,566	11,732	84,705
1993	183,674	5,010	178,374	92,982	10,472	74,920
1994	178,067	4,982	172,901	93,825	10,893	68,183
1995	176,423	4,485	171,897	95,209	10,649	66,039
1996	174,844	5,009	169,797	97,339	9,973	62,485
1997	171,932	5,112	166,702	95,111	9,943	61,648
1998	158,815	4,931	153,789	88,813	7,794	57,182
1999	146,474	5,407	140,925	85,216	6,689	49,020
2000	136,772	5,159	131,498	81,518	5,081	44,899

Source: SEJD court proceedings database

47. There are various reasons for the fall in the work of the summary courts: alternatives to prosecution have removed cases from court; schemes by non-police reporting agencies have resulted in fewer cases being reported to the Procurator Fiscal for consideration for prosecution. For example, TV licence evasion prosecutions in the district courts have fallen from 14,000 in 1991 to about 600 in 1999 as a result of the introduction of various schemes to ease payments. Statutory conditional offer schemes through the police (159,782 cases in 2000) and the Procurator Fiscal (7,997 cases in 2000) and fiscal fines (16,356 cases in 2000) have reduced the number of cases which go into court. Mediation and reparation schemes have a similar, though at present limited, effect.

48. The decline in the criminal business before the summary courts, especially district courts, suggests that there may be some spare capacity, although it is recognised that there are pressures in certain areas. It may be that there is scope for re-ordering the jurisdictional boundary between the district and sheriff courts and to relieve pressure on jury courts in the sheriff court. This might be achieved by increasing the sentencing powers of the sheriff in order that a proportion of cases currently dealt with before a sheriff and jury might be tried summarily.

49. If stipendiary magistrates were able to exercise jurisdiction throughout Scotland, or if there were to be an increase in the sentencing powers of lay magistrates, the district court would be likely to deal with a significant number of the cases currently dealt with in the sheriff court. This might also be achieved by giving the lay district court the same powers in relation to disqualification for road traffic offences as the sheriff court now has. However, if the powers of the district court were to be increased so that, for example, they were identical or similar to the powers of magistrates in England and Wales, and if no other changes were made, there would be more or less identical jurisdiction in the sheriff, stipendiary and lay district courts. It would then be open to question whether there remained a rational basis for the sheriff court to continue to have summary criminal jurisdiction unless the powers of the

sheriff court to deal with summary criminal business were also to be increased. If it is considered that there should be a mixed bench of professional and lay judges, how such an arrangement would fit with the other parts of the system would require to be considered along with the sentencing powers which any such bench should have.

50. New provisions to increase sentencing powers in the sheriff courts were included in the Crime and Punishment (Scotland) Act 1997. This Act provided for an increase in the maximum sentence in sheriff court solemn proceedings from 3 to 5 years and in summary proceedings from 3 to 6 months and in the case of repeat offences involving personal violence or dishonesty from 6 to 12 months. These powers remain on the statute book, but have not yet been brought into force. The following questions almost all raise different aspects of the same issue – what should the maximum sentencing powers of summary criminal courts be?

Q.12. What should the maximum period of imprisonment or detention be for the most serious cases which should be prosecuted summarily?

Q.13. What should the maximum fine be for the most serious cases which should be prosecuted summarily?

Q.14. Should the provisions of the Crime and Punishment (Scotland) Act 1997 for increased sentencing powers for sheriffs be brought into force?

Q.15. If sheriffs should continue to deal with summary criminal cases, what should the upper limits of their sentencing powers be?

Q.16. If stipendiary magistrates should continue to deal with summary criminal cases what should the upper limits of their sentencing powers be?

Q.17. If lay justices should continue to deal with summary criminal cases what should the upper limits of their sentencing powers be?

Q.18. If lay justices should continue to deal with summary criminal cases should they have power to disqualify offenders from driving other than in totting up cases?

Q.19. If you consider there should be a mixed bench of professional and lay justices, what should the upper limits of their sentencing powers be?

Non-court Disposals

51. When offences are reported to the procurator fiscal the procurator fiscal must decide whether a prosecution would be in the public interest. If the public interest can be satisfied by an alternative to prosecution that will be taken into account when deciding what course of action to pursue.

52. In recent years the range of disposals available to procurators fiscal has increased so that offences of a less serious nature can be dealt with by means other than prosecution. It is for the procurator fiscal to decide whether to take no proceedings; to issue a warning letter or personal warning; to divert an accused to a social work scheme; to make a conditional offer of a fixed penalty or an offer of a fiscal fine; or, if it is in the public interest, to bring an accused before a court. The use of non-court disposals is considered to be a cost effective response to less serious crime. It also has the effect that many otherwise law abiding citizens do not acquire a criminal record.

Warnings by the Procurator Fiscal (18,275 cases in 1999-2000)

53. The procurator fiscal may consider that it is in the public interest to warn the person concerned, either personally or in writing. Once the procurator fiscal issues a warning the offender cannot be prosecuted for that offence. A warning is confidential between the accused and the procurator fiscal and will not be disclosed. The only intimation that the procurator fiscal will give to third parties is that the alleged offender will not be prosecuted. First offenders committing a minor offence may be offered a warning letter, as may individuals where there are mitigating factors due to the circumstances of the offence or personal circumstances of the offender.

Fiscal Fines (16,356 fiscal fines in 1999-2000)

54. The "Fiscal Fine" procedure, which has been in operation for over 10 years, is now established as a valuable and effective alternative to prosecution in less serious cases which would otherwise result in prosecution in the district court. The levels of Fiscal Fine have been set by an order of the Secretary of State and are currently £25, £50, £75 and £100. If payment is made no prosecution is brought and no conviction is recorded against the accused. The fact that an offer of a Fiscal Fine has been made and accepted can be disclosed to a party interested in those proceedings. Where an offer of a Fiscal Fine is made and not accepted, the fact that an offer was made can be disclosed to the court. Fiscal fines are used to deal with a wide variety of offences, including shoplifting, minor breaches of the peace, minor assaults, and simple possession of Class B and C drugs.

Conditional Offers of Road Traffic Offence Fixed Penalties (159,782 by police and 7,997 by fiscals in 1999-2000)

55. The Police and the Procurator Fiscal are empowered to make a conditional offer of a fixed penalty as an alternative to prosecution for some minor road traffic offences. If such an offer is accepted, and payment is made, no prosecution is brought. In the case of an endorsable offence, penalty points are also endorsed on the offender's driving licence. The types of case in which such a conditional offer may be made is prescribed by statute (Section

75(2) of the Road Traffic Offenders Act 1998), of which speeding offences are by far the most common example.

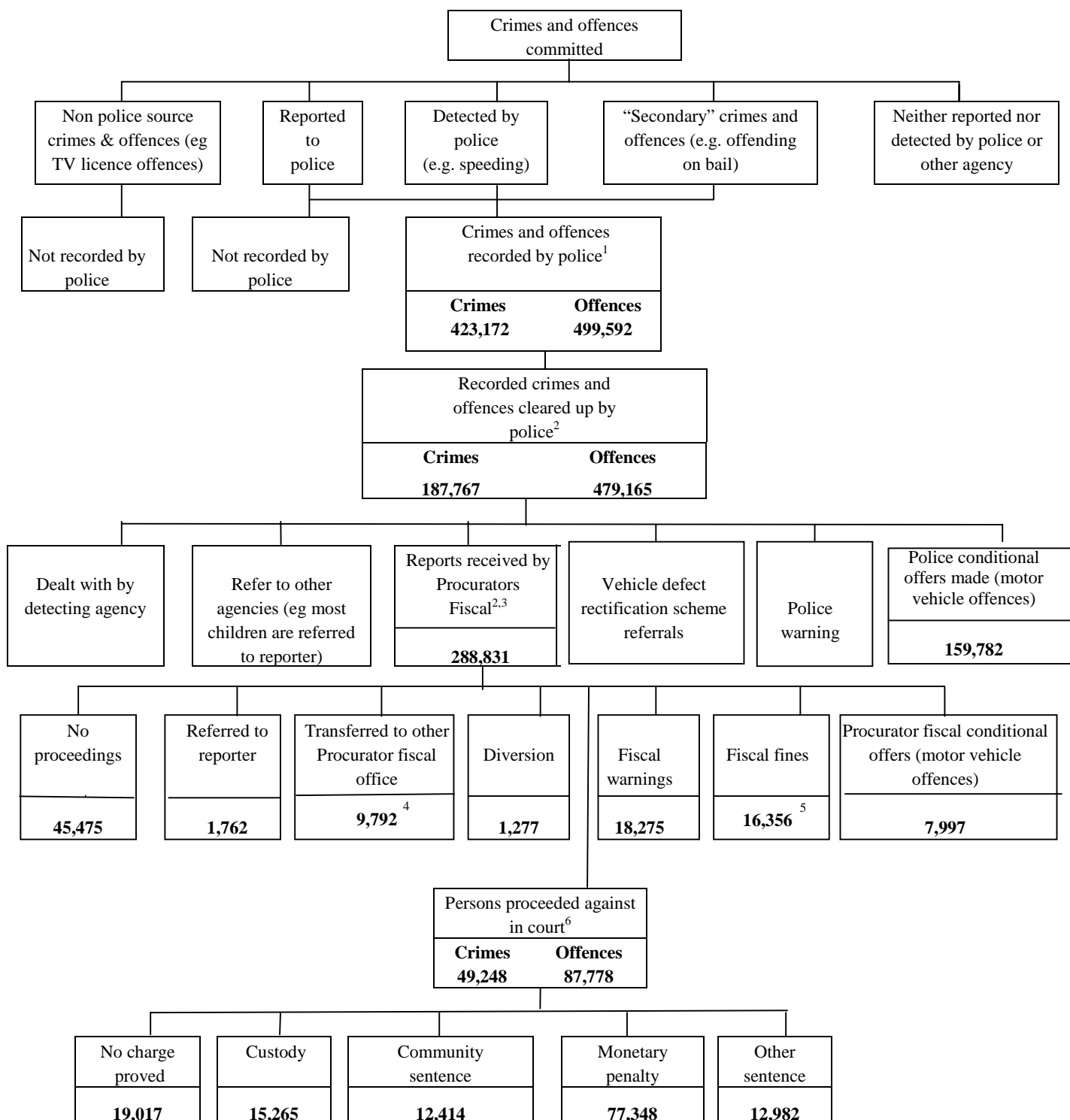
Diversion from prosecution (1,277 cases in 1999-2000 – inclusive of figure for reparation and mediation)

56. This involves the referral of an accused to the supervision of a social worker, psychiatrist or psychologist for support, treatment or other action. The object of diversion is to obtain, in a case in which prosecution would otherwise be justified, a disposal which is more satisfactory on humanitarian grounds, or which may prevent the accused from re-offending by treating the cause of his offending behaviour. Typically, individuals may be placed on a suitable diversion programme that tackles alcoholism or drug addiction. A pilot scheme has also been used for driving offences.

Reparation and Mediation (see above)

57. This is a particular form of diversion from prosecution which involves supervised making of reparation or mediation between the alleged offender and victim. Pilot schemes have started. They may provide an increasing and effective alternative to prosecution in minor cases where there is an identifiable victim, where there is a background of conflict between the two parties, or where there is a clear indication that the accused is in a position in some way to make amends for his or her conduct.

Overview of action within the criminal justice system 2000



1. Crimes recorded in 2000 may not be cleared up or dealt with until 2001 or later.
2. A report to the procurator fiscal may involve more than one crime or offence and more than one alleged offender.
3. The total number of reports to the fiscal includes reports on non-criminal matters such as sudden deaths.
4. Includes cases associated with other cases within the same Procurator Fiscal Office.
5. Figures relate to offers which were accepted.
6. Figures for persons proceeded against count the number of occasions on which a person is proceeded against.

A number of outcomes may result in subsequent prosecutions or referrals to other agencies, for example if a condition such as payment of a fixed penalty is not complied with. For simplicity, these pathways are not shown in the diagram.

The Future of non-court Disposals

58. It is arguable that to prosecute certain minor offences may, in some circumstances, be a disproportionate or inappropriate response. Prosecution of crime is expensive in terms of resources and makes significant demands on citizens who are victims and witnesses. The use of alternatives to prosecution allows those who have offended once or in a minor way to be formally warned about their conduct or to pay a penalty for their conduct without acquiring a criminal record for that offence or to be diverted for support, treatment etc. It also reduces pressure on courts, allowing courts to spend time dealing with more serious cases, and it can also release prosecution resources to be used to deal with more serious crime. It may be that other forms of diversion from prosecution should be introduced.

59. On the other hand, it is also recognised that there are alternative views as to the use of diversion. It is often argued that diversion from prosecution in a court of law can belittle the nature of an offence which has been committed. It is also argued that victims sometimes prefer to see an offender prosecuted through the court system so that the full weight of the justice system is brought to bear on the offender. Some consider that the proper response of the state is to allow no tolerance of any criminal conduct. It can be argued that a wide range of alternatives to prosecution can sometimes lead to the innocent accepting guilt because they prefer not to face prosecution in the court by accepting a lesser alternative penalty. It can also be argued that, if an offender has had the benefit of one or more non-court disposals and re-offends in the same or a similar way, the prosecution should be able to bring that to the attention of the court as it would a previous conviction.

Q.20. Should more or less use be made of non-court disposals?

Q.21. What non-court disposals should be available?

Q.22. What types of cases should or should not be dealt with by way of non-court disposals?

Q.23. In what circumstances, if any, should previous non-court disposals be brought to the attention of the court and for what purposes?

Conclusion

60. The purpose of this consultation paper is to get the views of a wide audience on what the aims of the summary criminal system in Scotland should be and on the central structures of that system.

61. A number of key questions have been asked throughout this document and they are listed again here for reference:

The aims of the summary criminal justices system

Q.1. What should the aims of the summary criminal justice system be?

Identifying defects in the present system of summary justice in Scotland and what the Committee needs to concentrate on to improve it

Q.2. If you were invited to reform the summary criminal justice system, which aspects of it would you particularly wish to change, and why?

Q.3. What changes, in outline, would you like to see made to put right the defects which you perceive to exist in the summary criminal justice system?

The type of court or courts which should deal with summary criminal cases in future

Q.4. Should there be a single level of summary criminal court, and if so, who should hear cases in this court?

Q.5. If there should continue to be more than one level, what combination of sheriffs, stipendiary magistrates and lay justices should hear summary criminal cases?

Q.6. If stipendiary magistrates are to be retained should they be able to sit throughout Scotland?

Q.7. If so, should stipendiary magistrates be a national as opposed to a local judicial resource?

Q.8. Should stipendiary magistrates hear summary criminal cases in the sheriff court as well as in the district court?

Q.9. Should a bench consisting of a professional judge and one or more lay magistrates hear summary criminal cases?

The decision whether a case should be prosecuted summarily

Q.10. Should it remain a matter for the Crown to determine whether a criminal case should be prosecuted summarily and in which level of summary court, or is there another way in which that issue should be decided?

Q.11. If this matter should be dealt with in some other way, by whom should the decision be taken and on what basis?

Current sentencing powers in the summary courts in Scotland

Q.12. What should the maximum period of imprisonment or detention be for the most serious cases which should be prosecuted summarily?

Q.13. What should the maximum fine be for the most serious cases which should be prosecuted summarily?

Q.14. Should the provisions of the Crime and Punishment (Scotland) Act 1997 for increased sentencing powers for sheriffs be brought into force?

Q.15. If sheriffs should continue to deal with summary criminal cases, what should the upper limits of their sentencing powers be?

Q.16. If stipendiary magistrates should continue to deal with summary criminal cases what should the upper limits of their sentencing powers be?

Q.17. If lay justices should continue to deal with summary criminal cases what should the upper limits of their sentencing powers be?

Q.18. If lay justices should continue to deal with summary criminal cases should they have power to disqualify offenders from driving other than in totting up cases?

Q.19. If you consider there should be a mixed bench of professional and lay justices, what should the upper limits of their sentencing powers be?

The future of non-court disposals

Q.20. Should more or less use be made of non-court disposals?

Q.21. What non-court disposals should be available?

Q.22. What types of cases should or should not be dealt with by way of non-court disposals?

Q.23. In what circumstances, if any, should previous non-court disposals be brought to the attention of the court and for what purposes?

62. Responses should be submitted, no later than Friday 7 June 2002, to:

Steven MacGregor
Summary Justice Review Secretariat
1st Floor West
St Andrew's House
Regent Road
Edinburgh
EH1 3DG
Telephone: 0131 244 2222
Fax: 0131 244 2623

Electronic responses are welcomed and should be submitted to
summaryjusticereview@scotland.gsi.gov.uk

Please note that responses will be made available in the Scottish Executive library unless specified as confidential.

Persons called to court by main offence, sex and age, 2000
Sheriff summary courts

Main offence	Total ⁽¹⁾		% of total who are:		% of total aged:		
	number	% by crime	Males	Females	Under 21	21-30	Over 30
Non-sexual crimes of violence	3,704	5	92	8	37	37	26
Serious assault	468	1	91	9	27	40	33
Handling weapons	2,786	3	95	5	41	37	23
Robbery	241	0	89	11	46	37	17
Other violence	209	0	51	49	7	33	60
Crimes of indecency	327	0	99	1	22	28	50
Sexual assault, lewd & libid.	269	0	100	0	16	29	55
Other indecency	58	0	98	2	48	24	28
Crimes of dishonesty	16,723	21	85	15	38	42	20
Housebreaking	2,780	3	96	4	44	42	14
Theft OLP	1,650	2	97	3	54	37	9
Theft of motor vehicle	2,157	3	94	6	65	27	8
Shoplifting	3,837	5	76	24	29	48	23
Other theft	3,142	4	84	16	35	45	20
Fraud	1,281	2	72	27	14	43	42
Other dishonesty	1,876	2	79	21	29	45	26
Criminal damage	2,062	3	93	7	40	34	27
Other crimes	9,355	11	86	14	24	46	30
Crimes against public justice	5,271	6	88	12	29	41	29
Drug offences	4,070	5	83	17	18	51	31
Other crimes	14	0	100	0	57	14	29
Miscellaneous offences	22,640	28	87	13	27	35	37
Simple assault	9,414	12	87	13	26	34	40
Breach of the peace	7,432	9	90	10	23	35	42
Other miscellaneous offences	5,794	7	82	15	34	37	25
Motor vehicle offences	26,707	33	89	10	17	37	45
Dangerous and careless driving	2,960	4	88	12	23	31	46
Drunk driving	7,054	9	90	10	11	30	58
Speeding	1,884	2	92	8	6	36	58
Unlawful use of motor vehicle	12,413	15	90	10	22	44	33
Other motor vehicle offences	2,396	3	87	7	12	30	51
All crimes and offences	81,518	100	88	12	27	38	34

1. Includes sex and age unknown, and companies.

Source: SEJD court proceedings database

Persons called to court by main offence, sex and age, 2000
Stipendiary magistrates court

Main offence	Total ⁽¹⁾		% of total who are:		% of total aged:		
	number	% by crime	Males	Females	Under 21	21-30	Over 30
Non-sexual crimes of violence	16	0	88	13	31	50	19
Serious assault	0	0	0	0	0	0	0
Handling weapons	16	0	88	13	31	50	19
Robbery	0	0	0	0	0	0	0
Other violence	0	0	0	0	0	0	0
Crimes of indecency	79	2	10	90	13	66	22
Sexual assault, lewd & libid.	2	0	100	0	0	0	100
Other indecency	77	2	8	92	13	68	19
Crimes of dishonesty	1,714	34	80	20	20	51	29
Housebreaking	6	0	100	0	50	33	17
Theft OLP	109	2	99	1	55	38	7
Theft of motor vehicle	29	1	86	14	52	34	14
Shoplifting	910	18	78	22	16	52	32
Other theft	473	9	76	24	15	56	29
Fraud	44	1	75	25	7	59	34
Other dishonesty	143	3	91	9	27	45	28
Criminal damage	86	2	88	12	40	37	23
Other crimes	329	6	84	16	26	45	29
Crimes against public justice	273	5	83	17	26	44	30
Drug offences	56	1	91	9	25	46	29
Other crimes		0	0	0	0	0	0
Miscellaneous offences	1,439	28	86	14	21	36	43
Simple assault	484	10	86	14	18	33	48
Breach of the peace	729	14	90	10	24	33	43
Other miscellaneous offences	226	4	76	23	18	50	32
Motor vehicle offences	1,418	28	90	9	10	41	47
Dangerous and careless driving	89	2	90	9	9	31	57
Drunk driving		0	0	0	0	0	0
Speeding	113	2	96	4	4	34	61
Unlawful use of motor vehicle	934	18	90	10	11	45	41
Other motor vehicle offences	282	6	89	7	6	32	55
All crimes and offences	5,081	100	84	16	18	43	38

1. Includes sex and age unknown, and companies.

Source: SEJD court proceedings database

Persons called to court by main offence, sex and age, 2000
District courts

Main offence	Total ⁽¹⁾		% of total who are:		% of total aged:		
	number	% by crime	Males	Females	Under 21	21-30	Over 30
Non-sexual crimes of violence	34	0	100	0	62	18	21
Serious assault	6	0	100	0	17	33	50
Handling weapons	26	0	100	0	73	12	15
Robbery	0	0	0	0	0	0	0
Other violence	2	0	100	0	50	50	0
Crimes of indecency	163	0	4	96	16	48	36
Sexual assault, lewd & libid.	1	0	100	0	0	0	100
Other indecency	162	0	3	97	16	49	35
Crimes of dishonesty	5,696	13	71	29	28	44	28
Housebreaking	5	0	100	0	20	80	0
Theft OLP	112	0	92	8	65	24	11
Theft of motor vehicle	18	0	89	11	56	33	11
Shoplifting	3,426	8	67	33	25	47	28
Other theft	1,535	3	76	24	34	41	24
Fraud	446	1	76	24	17	41	42
Other dishonesty	154	0	74	26	27	38	35
Criminal damage	2,505	6	89	11	45	32	23
Other crimes	2,375	5	87	13	34	45	20
Crimes against public justice	768	2	80	20	37	39	23
Drug offences	1,607	4	90	10	33	48	19
Other crimes	0	0	0	0	0	0	0
Miscellaneous offences	14,121	31	78	22	25	34	41
Simple assault	2,759	6	80	20	28	32	40
Breach of the peace	7,110	16	86	14	29	35	36
Other miscellaneous offences	4,252	9	64	36	16	32	49
Motor vehicle offences	20,005	45	86	13	8	35	52
Dangerous and careless driving	7	0	100	0	43	29	14
Drunk driving	2	0	100	0	0	50	50
Speeding	9,369	21	87	13	6	33	60
Unlawful use of motor vehicle	5,316	12	84	16	7	37	44
Other motor vehicle offences	5,311	12	87	11	13	37	45
All crimes and offences	44,899	100	82	18	20	36	42

1. Includes sex and age unknown, and companies.

Source: SEJD court proceedings database

Caseload and Staffing in the district courts, 2000-01

Commission Area	Number of Complaints (Cases) Initiated	Total number of Sitting Hours	Number of available hours	Average time (weeks) from pleading to trial diet	Number of Diets			Number of trials that took place	Total Number of Diets	Number of courts in Commission Area	JPs available for court service	JPs on court rota	JPs serving less than 4 times on the bench	Staff Numbers (Full Time Equivalents)		Costs (for previous year i.e. 1999-00)	
					Pleading	Intermediate	Trial							Legally qualified	Administration	Running £000	Capital £000
Aberdeen City	3,210	683	1,250	N/A	4,747	1,578	388	156	8,962	1	13	13	0	1	5	230	13
Aberdeenshire (3)	2,219	627	996	11	3,096	733	331	1,705	3,515	4	43	33	1	4	3	348	0
Angus	1,236	254	0	8	1,219	330	212	118	2,985	3	11	9	0	1	2	164	7
Argyll & Bute	1,066	690	N/A	13	1,066	215	281	N/A	1,539	6	19	19	0	2	3	N/A	N/A
Clackmannanshire	552	316	1,470	9	547	212	232	25	1,306	1	27	11	0	1	2	90	0
Dumfries & Galloway (4)	1,564	413	1,820	10	1,474	471	382	71	3,927	5	60	60	19	1	6	219	6
Dumfries City	2,615	965	1,337	10	2,322	1,692	746	N/A	8,369	1	14	12	4	2	7	276	113
East Ayrshire	1,585	483	3,640	10	2,015	507	505	39	3,593	2	36	34	1	2	3	113	0
East Dumbartonshire	525	180	360	9	291	272	249	21	1,584	2	42	20	4	1	4	221	3
East Lothian (5)	635	155	648	9	620	244	95	16	1,622	1	31	29	0	2	3	107	18
East Renfrewshire	451	94	N/A	7	371	138	61	22	707	1	11	10	2	0	3	79	11
Edinburgh, City of (9)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1	37	30	0	2	16	773	79
Elkess Sls (3)	104	22	70	10	104	10	22	3	188	1	4	2	2	0	1	47	46
Falkirk	2,256	466	1,500	13	2,256	676	310	66	5,334	1	4	4	0	1	3	157	0
Fife (6)	3,402	1,260	N/A	13	4,107	1,690	1,410	177	4,297	3	19	19	3	2	5	105	7
Glasgow City	15,602	2,730	4,613	8	15,602	7,990	5,928	N/A	32,446	1	46	42	0	7	49	1,724	0
- District Court	10,402	1,005	1,757	7	10,402	3,088	3,952	N/A	14,601								
- Dependency Magistrate	5,200	1,724	2,856	9	5,200	4,892	1,976	N/A	17,845								
Highland	2,781	907	N/A	10	3,292	682	427	104	5,200	9	67	68	12	4	5	613	0
Inverclyde	1,411	395	1,547	9	1,372	354	105	38	2,572	1	15	15	0	0	2	127	0
Midlothian	946	N/A	N/A	6	1,621	353	125	83	2,347	1	11	9	0	0	2	128	7
Moray	709	131	N/A	11	582	209	97	33	1,347	1	14	14	3	1	1	64	3
North Ayrshire (7)	1,252	260	N/A	8	1,798	302	360	35	2,328	1	38	38	0	1	4	181	0
North Lanarkshire (8)	5,723	1,507	4,294	9	6,301	2,561	1,098	1,337	13,004	3	72	72	9	8	9	584	52
Perth & Kinross	1,818	667	1,122	10	2,088	1,645	468	96	6,073	1	10	10	0	1	4	226	2
Redfreeskirk	1,940	747	1,750	11	2,098	514	309	88	3,442	1	18	17	0	2	4	303	(2)
Scottish Borders	1,775	304	547	9	1,782	246	173	57	3,369	4	30	30	8	2	4	299	0
South Ayrshire	1,600	410	410	7	2,038	639	638	67	4,344	2	28	28	0	1	5	N/A	N/A
South Lanarkshire	3,575	1,228	2,374	9	3,475	1,803	890	105	9,520	4	36	36	1	9	9	420	23
Stirling	1,204	350	N/A	13	1,541	355	204	24	4,097	1	11	11	N/A	1	3	172	0
West Dumbartonshire	1,221	376	3,640	8	1,221	661	361	77	4,739	2	25	23	3	4	4	195	0
West Lothian (9)	1,622	259	N/A	N/A	N/A	641	654	38	N/A	1	11	11	0	2	7	425	0
SCOTLAND (1)	64,679	16,879	33,388	9.4	69,346	27,763	17,861	4,681	142,774	-	883	729	72	64	177	8,392	391

(1) Average interval between pleading diet and first trial diet for Scotland excludes the Dependency Magistrate court and courts for which information is not available, and is weighted by number of cases.

(2) Included with running costs.

(3) Number of available hours does not include custody courts.

(4) Number of available sitting hours is for Dumfries court only.

(5) Number of JPs on court rota includes 6 ad-hoc justices.

(6) Number of trial diets and costs exclude Dumfries court. Number of Lay Justices exclude Kinross court.

(7) Rent and rates of court building included with running costs.

(8) Number of Lay Justices on bench excludes Motherwell.

(9) JP and staff figures are 1999 figures.

Costs and Staffing in the sheriff courts, 2000 - 2001

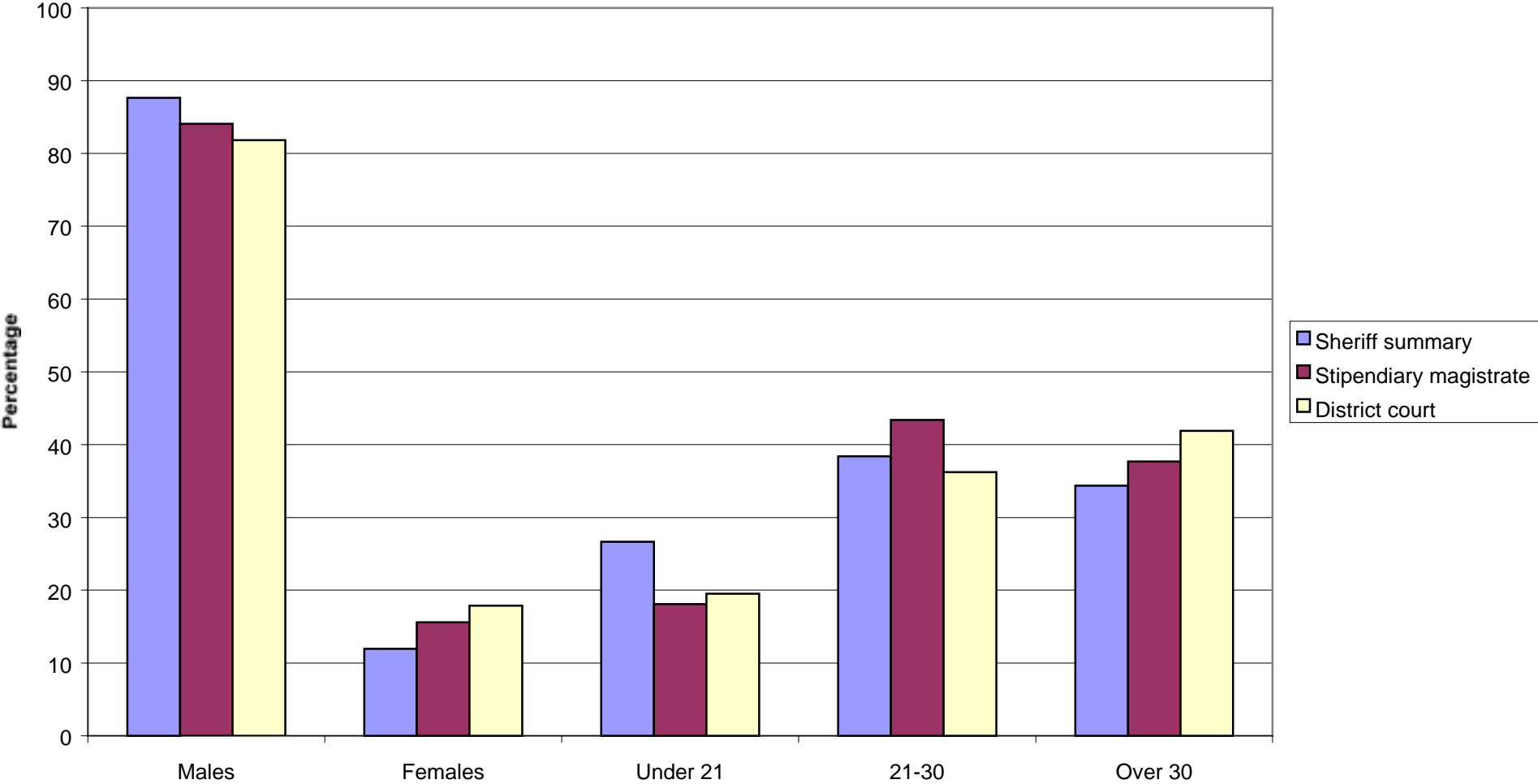
Sheriff Court	Number of Summary Complaints (Cases) Initiated	Total number of Sitting Hours	Average time (weeks) from pleading to trial date	Number of First Dials		Trials Called	Total Number of Dials	Number of Staff	Direct Running Costs	Costs Per Sitting Day
				Pleading	Intermediate					
Aberdeen	5,913	4304	11	13735	4018	1344	18907	39	£924,504	£713
Ardie	2,612	2681	7	6072	2,817	9020	10509	20	£517,802	£658
Alice	791	800	13	1987	501	419	2907	5	£110,408	£448
Arbroath	1,038	1251	12	6989	541	437	7947	6	£131,977	£454
Ayr	3,396	2211	11	2542	1963	9014	5519	59	£378,191	£540
Banff	469	477	10	1046	202	147	1305	2	£84,051	£468
Campbeltown	221	245	10	572	163	152	867	1	£42,329	£460
Capar	561	718	14	1727	290	193	2210	5	£118,145	£539
Dingwall	513	405	10	1186	254	118	1558	5	£109,636	£741
Dornoch	173	212	9	387	82	93	572	2	£37,817	£952
Dumbarrow	2,927	2644	8	6849	2035	1305	10189	59	£455,275	£901
Dumfries	2,298	1536	11	4554	951	600	6085	12	£286,210	£588
Dundee	3,968	4645	14	8466	2,568	9686	12720	24	£679,840	£662
Dunfermline	1,897	1353	12	5113	1045	454	6612	56	£365,060	£967
Dunoon	382	741	12	953	303	209	1465	2	£78,519	£333
Duns	222	n/a	9	588	0	31	619	n/a	n/a	n/a
Edinburgh	11,838	10397	12	27559	9,499	5,499	42547	89	£2,991,395	£1,049
Elgin	1,153	1040	11	2952	629	407	3988	6	£153,862	£592
Falkirk	2,820	2308	11	7299	1,576	1,005	9880	54	£445,206	£756
Forfar	762	749	8	1535	332	187	2054	5	£107,916	£526
Fort William	312	501	12	748	144	108	1900	3	£60,740	£364
Glasgow	13,057	19229	10	29100	13340	9342	51762	136	£3,815,992	£790
Groesock	2,242	1814	9	4358	1247	714	6319	13	£311,068	£670
Haddington	1,003	738	8	2688	663	348	3699	6	£139,739	£490
Hamilton	5,734	7645	10	13425	4617	3,425	21467	40	£988,666	£959
Inverness	1,844	1320	12	4155	1,090	494	5739	13	£402,841	£1,007
Jedburgh	589	479	10	1357	262	105	1744	4	£135,005	£823
Kilmarnock	4,253	2630	7	9690	2018	1132	12640	28	£634,927	£942
Kilsickly	2,449	2573	10	7088	1279	951	9208	58	£411,898	£908
Kilsudbright	377	187	10	1006	169	89	1264	2	£61,136	£905
Kilweil	259	222	8	576	14	56	646	3	£57,281	£546
Lenzie	1,202	1340	7	2892	609	376	3877	5	£120,420	£376
Lewick	394	325	9	875	19	143	1057	3	£62,255	£538
Linnithgow	2,646	3592	11	7005	1840	849	9892	58	£473,949	£596
Lochnaddy	89	n/a	6	175	0	22	197	n/a	n/a	n/a
Oban	441	651	11	959	199	136	1274	3	£67,335	£345
Paisley	4,108	4307	10	9405	3163	2263	14831	37	£1,021,809	£913
Peebles	142	85	10	286	62	34	394	2	£22,110	£442
Perth	2,111	2714	12	5122	1466	1040	7630	22	£407,329	£627
Peterhead	727	954	10	1957	432	353	2742	6	£161,061	£619
Portree	50	129	11	118	32	20	170	4	£67,916	£1,386
Rothsay	86	142	8	195	43	29	267	1	£34,496	£638
Selkirk	475	293	11	1100	143	86	1329	2	£60,674	£632
Stirling	1,481	1973	15	3697	1076	503	5276	12	£289,760	£671
Stonehaven	685	1154	10	1717	222	185	2134	4	£93,265	£362
Storoway	245	244	12	541	27	98	666	2	£51,651	£954
Strathairn	999	457	10	2072	481	219	2772	5	£113,007	£538
Tain	557	443	9	1231	268	213	1732	2	£63,774	£396
Wick	271	339	9	667	128	74	869	3	£61,407	£535
Total	82,752	95,396	10.8 Weeks	216258	64866	40007	321329	690	£18,199,604	£29,193

(1) Duns figures included with Jedburgh

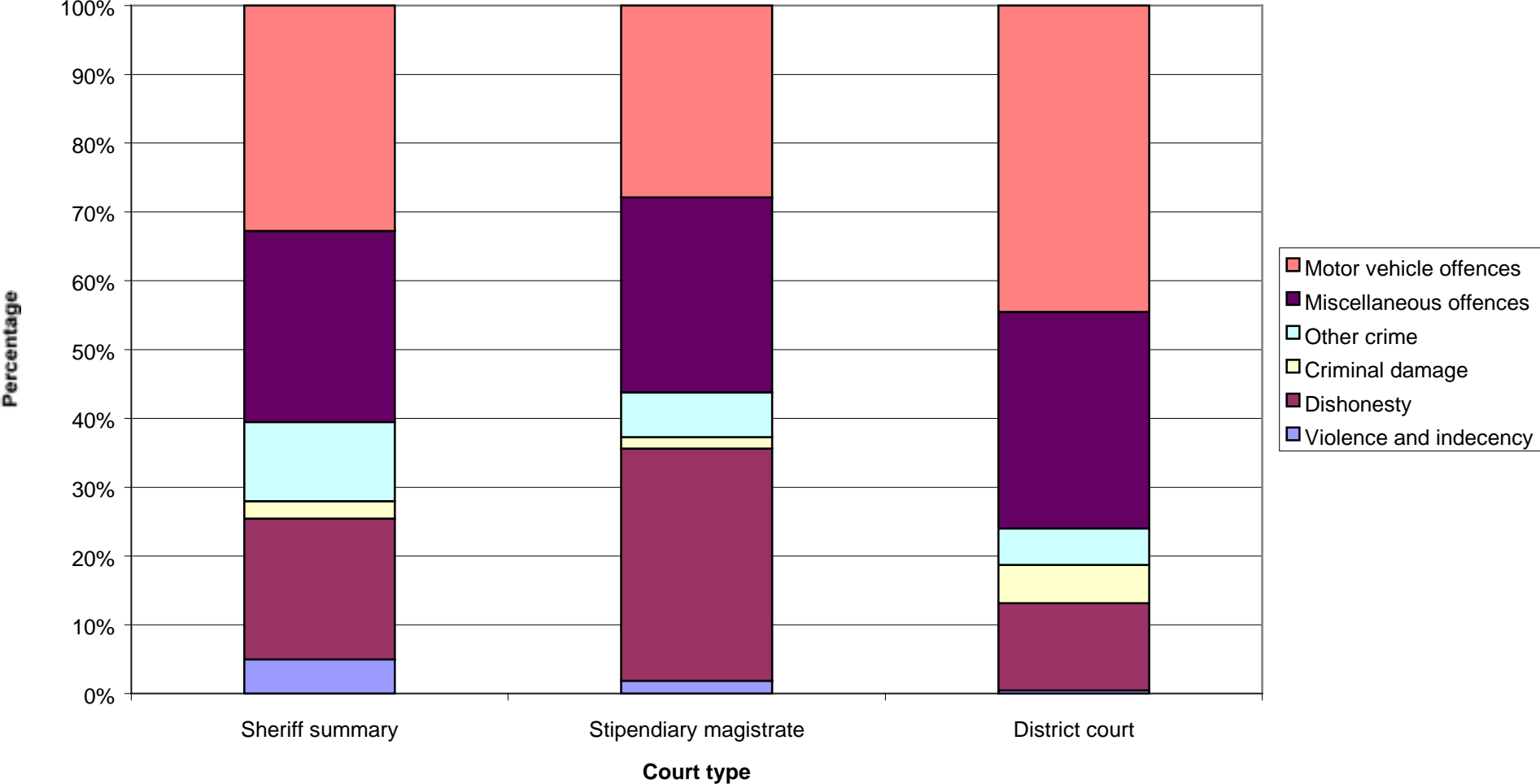
(2) Lochnaddy's figures included with Portree

(3) Direct Running Costs and Costs Per Sitting Day are calculated on the whole range of Sheriff Court work inc. Civil and Criminal

Persons called to summary courts, 2000
Percentage by age, sex and court type



Persons called to summary courts, 2000
Percentage by main offence and court type



Persons with a charge proved in summary courts, 2000
Percentage by sentence and court type

