



The Judiciary in Scotland

The Judicial Office for Scotland provides support to the Lord President in his role as Head of the Scottish judges. He is supported by the second most senior judge in Scotland - the Lord Justice Clerk.

All judges in Scotland are independent. They make their decisions based on the law and the circumstances of each case.

Scotland has a unique justice system which is different to the rest of the UK.

Criminal cases

There are two types of criminal procedure in Scotland: solemn procedure for more serious offences and summary procedure.

When a trial is held against a person accused of a crime, a jury decides the verdict in solemn cases. The judge decides the verdict in summary cases.

There are three verdicts in Scotland:

Guilty

Not Guilty

Not Proven

The not proven verdict is unique to Scotland. When the verdict in a case is not guilty or not proven, the accused person cannot be retried in court for the crime (except in exceptional circumstances).

In all cases where an accused person is convicted of a crime, the judge decides what their sentence should be.

Sentencing

There are a number of sentencing options in Scotland including prison; community payback; or a fine. Community Payback Orders can involve unpaid work, supervision, and drug or alcohol treatment.

Judges base their sentencing decisions on what they have heard in court from the prosecution and the defence about the circumstances of the crime (including the impact on any victims) and the personal circumstances of the offender. They can ask for background reports about the offender from people such as social workers or psychiatrists. The maximum sentences that can be given in the different criminal courts are set by law and must be followed.

When deciding a sentence, judges take into account a range of factors including the harm caused to any victim; public protection; and rehabilitation to help stop the offender from committing more crime.

Often, in serious or significant cases, the judge will provide a sentencing statement which is published on the [Judicial Office for Scotland website](#). These statements allow people to understand the full reasons behind a sentencing decision.

For further information about sentencing, see the Scottish Sentencing Council website at <https://www.scottishsentencingcouncil.org.uk/>

Kinds of judges

There are different levels of judge in Scotland.

Justices of the peace deal with the least serious criminal cases, such as speeding and minor road traffic offences.

Sheriffs and summary sheriffs deal with more serious criminal cases, such as most assaults. The majority of cases in Scotland are heard in the sheriff court. There are 6 sheriffs principal in Scotland who sit as the administrative heads of different areas (called sheriffdoms).

The judges who sit in Scotland's High Court deal with the most serious criminal cases, such as murder.

	Justice of the Peace Court	Sheriff Court (summary)	Sheriff Court (solemn)	High Court
Who decides the verdict?	Justice of the Peace	Sheriff or Summary Sheriff	Jury	Jury
Who decides the sentence?	Justice of the Peace	Sheriff or Summary Sheriff	Sheriff	High Court judge
What is the maximum fine?	Up to £2,500	Up to £10,000	Unlimited	Unlimited
What is the maximum length of imprisonment?	Up to 60 days	Up to 12 months	Up to 5 years	Up to life

Future

The court system is continually modernising. The Lord President plays a large part in promoting change. Current plans include improving the way [evidence is taken in court from children and vulnerable witnesses](#); and extending the use of technology.

Further information

For further information, please see our website at <http://www.scotland-judiciary.org.uk/23/0/Judicial-Office-for-Scotland>. You can also follow us on Twitter [@JudgesScotland](#) or contact us at judicialcomms@scotcourts.gov.uk

This chart shows the judiciary of Scotland

