

**PROTOCOL**  
**FOR PROGRAMMING AND MANAGEMENT**  
**OF SOLEMN AND SUMMARY CRIMINAL CASES**

**Objective**

- To ensure that criminal business is scheduled and programmed to make efficient use of court time and resources.
- To set loadings for particular courts and categories of business which can be managed and concluded within the available court time and resources.

**Court programming**

COPFS and SCS recognize that court loadings must be agreed at district and or area level and be responsive to local needs. The number of diets and the frequency of diets available for each type of business for a given period shall be agreed upon in advance by the COPFS and SCS, as will the configuration of the content of the business of each particular court.

In the context of lengthy solemn trials, COPFS and SCS agree that discussion should take place prior to indictment with a view to ensuring that appropriate arrangements can be made to accommodate such trials.

Summary trials which are likely to require a full day or more of court time should be brought to the attention of SCS by COPFS when the plea of not guilty is tendered and when any such trial is adjourned.

COPFS and SCS agree that the scheduling of business during the court day is also a matter that should be agreed at local area or district level.

This protocol will be subject to variation and regular review at local level to maximize efficient use of COPFS and SCS resources.

**Summary Trials**

In many courts the current loading for a summary trial court is 10 trials per court. However, in others the figure may be as high as 15. COPFS and SCS accept that the number of cases allocated to each summary trial court (i.e. the number of trials allocated prior to the intermediate diet) should not exceed the locally agreed number.

We **recommend** that there should be local discussion and agreement between Procurators Fiscal and Sheriff Clerks so as to ensure that non-trial or civil business calling in summary trial courts is scheduled to call at a time which will ensure that it does not interfere with the running of trials and proofs. Where substantial non-trial or ancillary criminal or civil business is regularly scheduled into a summary trial court, the agreed loading may be subject to an appropriate reduction.

Within the above framework the number of priority trials should not exceed 2.

Other than in exceptional circumstances there should be no 'backfilling' of summary trial courts as a result of cases being disposed of at intermediate diet.