# Courts and sentencing in Scotland – Transcript

**The Rt Hon Lord Bracadale:** My name is Lord Bracadale. I’m a judge in the Court of Session and the High Court.

***Can you describe the different courts and sentences available in Scotland?***

**Lord Bracadale**: There are four levels of criminal courts in Scotland. These are the Justice of the Peace Court, the Sheriff Summary Court, the Sheriff and Jury Court and the High Court.

The Justice of the Peace Court is presided over by a lay magistrate called a Justice of the Peace. That is someone appointed from within the local community, sometimes a local councillor and there will be a Justice of the Peace Court in every town and city in Scotland. The Justice of the Peace Court deals with less serious summary crimes, such as speeding, careless driving, breach of the peace, simple assaults and theft. The power of sentence of a Justice of the Peace is limited to a period of 60 days’ imprisonment or a maximum fine of £2500.

There is a Sheriff Court in every town and city in Scotland. There are between 40 and 50 in total. The next level up from the Justice of the Peace Court is the Sheriff Summary Court. In this court the sheriff sits alone, without a jury, and hears the case. The sheriff decides whether the Crown have proved the case beyond reasonable doubt against the accused. The majority of criminal cases in Scotland are heard in the Sheriff Summary Court. The maximum sentence of the Sheriff Summary Court is 12 months’ imprisonment or a fine of up to £5000. The type of crime dealt with in this court would include theft by breaking into houses or property, more serious assault which might include fracture of a bone, fraud cases and less serious drugs cases.

The next level, for more serious cases is the sheriff sitting with a jury of 15 members of the public, drawn at random from the voters’ roll. Here, the sentencing power of a sheriff increases to five years’ imprisonment or an unlimited fine. In this court you could get really quite serious assault cases, including those involving the use of weapons, more serious driving cases, such as dangerous driving, quite serious drug dealing cases and housebreaking cases where the accused has a bad record of previous convictions.

The most serious criminal cases are prosecuted in the High Court which is Scotland’s supreme criminal court. A High Court judge sits with 15 members of the public as a jury. The High Court has a permanent base in Edinburgh, Glasgow and Aberdeen and sometimes sits in other towns. Murder and rape can only be prosecuted in the High Court. Other crimes which would be prosecuted in the High Court would include very serious assault amounting to attempt to murder. It also hears the most serious drugs cases, such as major importation of drugs. It would hear trials of armed robbery or major fraud trials. It also deals with cases of causing death by dangerous driving.

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