

Justice Committee

Scottish Government's Draft Budget 2016-17

Supplementary written submission from the Crown Office and Procurator Fiscal Service

I promised to follow up a number of matters at my evidence session before the Committee on 1 December.

The Committee asked about "formal warnings". These are not new and Recorded Police Warnings are an update to the previous system of a Formal Adult Warning. They are issued by the police at the time of the offence.

This system, and the updated guidelines, gives police the discretion to issue a warning for offences which they consider to be very minor in nature. They will not be used for any offence of violence. This provides a mechanism that is timely and proportionate, avoids the need for the preparation and submission of a standard police report, and enables the Procurator Fiscal and court to focus on more serious crimes, while giving police the range of powers they need to respond quickly and appropriately to very minor offences.

The Committee asked where the money from Fiscal Fines goes. I can confirm that the Crown Office & Procurator Fiscal Service has no role in the collection of fines. Sheriff Court fines are paid over to the Scottish Consolidated Fund by the Scottish Courts and Tribunals Service (SCTS). An element of Justice of the Peace Court fines, Police and Fiscal fixed penalty fines are retained by the SCTS in line with a Designated Receipts Order issued by HM Treasury. The remainder is paid over to the Scottish Consolidated Fund.

The Committee asked about what is happening in respect of High Court cases now, having noted that there had been a 9% decrease in the numbers of cases concluded in 2014-15 as compared to 2013-14. As my letter of 24 November indicated, that is against a background of a continuing rise in the numbers of High Court cases since 2010-11 and current projections are that the numbers of cases will continue to rise overall. As I indicated, cases are now more complex, especially those involving sexual offences, domestic abuse and "cold cases", and all are less likely to resolve without trial, so the absolute numbers do not give a full picture of the increased scale of effort involved.

Finally, I mentioned that we had taken on Modern Apprentices but, unfortunately, had the numbers the wrong way round. We have taken on 61 apprentices so far. All 32 of the first tranche have been offered permanent posts, whilst the second tranche of 29 started with us in August 2015.

I hope that this is helpful to the Committee.

Catherine Dyer
Crown Agent and Chief Executive
23 December 2015