

Scottish Courts and Tribunals Service



By email to:
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Development and Innovation Directorate
Legislation Implementation Team
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6 March 2019

Our Ref:DS

Your Ref:

Dear Sir,

Consultation - Bill Proposal – Post-Mortem Examinations (Defence Time-Limit) (Scotland) Bill

I refer to the above consultation to which I respond on behalf of the Scottish Courts and Tribunals Service (SCTS). The response is submitted by the SCTS acting in its role to provide efficient and effective administration to the courts and tribunals and does not include the views of the Judiciary.

The SCTS cannot comment on the majority of the questions posed in the proposal as these do not directly affect the SCTS. However we do respond in respect of question 5(b) of the consultation document.

The proposal in the Bill to extend any time limit for the defence to hold a post-mortem creates a new application to court which can be made on multiple occasions. We expect that should there be no specific provision in the Bill, or any subsequent court rules, that these will be statutory applications to which the [Act of Sederunt \(Summary Applications, Statutory Applications and Appeals Etc. Rules\) 1999](#) would apply.

We therefore expect there to be some impact on the SCTS in terms of:

- court time and relative court programming;
- associated staff and accommodation resources;
- costs involved in relevant IT changes.

However, given the number of homicides (& relevant accused) per annum (<https://www2.gov.scot/Topics/Statistics/Browse/Crime-Justice/TrendHom>) it is likely that the number of applications to the court will be fairly minimal and therefore be accommodated within the current court programme.

Should specific proposals be taken forward, the SCTS would welcome the opportunity to be kept informed of any developments, including, where required, contributing towards any financial memorandum or relevant impact assessment.

I am content for this response to be published.

If you require any further information please let me know.

Yours faithfully

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