

Scottish Courts and Tribunals Service



Emily Storey
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SCTS HQ
Saughton House
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Phone 0131 444 3352
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Date: 17th July 2017

Our Ref: FOI2017234

Dear Ms Storey

Freedom of Information (Scotland) Act 2002 (“FOISA”)

I write in connection to your request for information which was received on 20th June 2017 in which you requested the following:

How many times in the past year have you unilaterally appointed the duty solicitor for defendants when you have no legal powers to do so?

The Scottish Courts and Tribunals Service (SCTS) endeavours to provide information where possible but I regret that this is not information we hold. It may be helpful if I explain the functions of the SCTS and its role in the Justice system. The SCTS is an independent body corporate established by the Judiciary and Courts (Scotland) Act 2008. Its function is to provide administrative support to Scottish courts and tribunals and to the judiciary of courts, including the High Court of Justiciary, Court of Session, sheriff courts and justice of the peace courts, and to the Office of the Public Guardian and Accountant of Court. The SCTS is not involved in the appointment of duty solicitors. As a result, this information is not held by the SCTS in terms of section 17 of FOISA.

The rights of an individual arrested or detained by the police are set out in sections 14, 15 and 15A of the Criminal Procedure (Scotland) Act 1995. An individual attending at a police station has a statutory right to a private consultation with a solicitor. The Criminal Legal Assistance (Duty Solicitors) (Scotland) Regulations 2011 [\[S.S.I. 2011 No. 163\]](#) require the Scottish Legal Aid Board to make arrangements for solicitors to be available to provide advice and assistance to anyone to whom section [15A](#) of the 1995 Act applies.

You may wish to contact the Scottish Legal Aid Board for more information about the appointment of duty solicitors at this stage of the process:

<http://www.slab.org.uk/contact-us/>

I hope that this is helpful. Should you feel dissatisfied with this decision or the manner in which your request has been handled, the Act provides for a review process to be conducted. Should you wish to take advantage of this process you may apply in writing for a review. Your request should provide details of why you wish a review to be carried out and should be made within 40 working days of receipt of this letter to:-

The Freedom of Information Officer
Scottish Courts and Tribunals Service
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD
foi@scotcourts.gov.uk

Following that review should you still feel dissatisfied, you have the right to lodge an appeal with the Scottish Information Commissioner either online:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

Or at the following address:-

Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St. Andrews
FIFE
KY16 9DS

Yours sincerely



Eric Green
FOI & Correspondence Manager
Scottish Courts and Tribunals Service
0131 444 3311
www.scotcourtribunals.gov.uk