

Scottish Courts and Tribunals Service submission of 5 June 2023

PE1971/E: Take Robust Action to Stop Motorcycle Theft

Thank you for your correspondence dated 10 May 2023 seeking information from the Scottish Courts and Tribunals Service (SCTS) in relation to the above petition.

The SCTS uses a live operational case management system, which is primarily used for the processing of criminal court business. The information held on the system is structured for these operational needs, rather than for statistical reporting or research purposes.

Whilst data can be extracted from this system, there are occasions where specific/additional information is required in order to identify the data sought. That information, on occasion, has to be provided to the SCTS by other justice colleagues.

Available data on the outcomes of a number of motorcycle theft related cases identified by the Crown Office and Procurator Fiscal Service (COPFS).

At the request of the SCTS, and in order to identify cases on our system, the COPFS provided the “PF Reference” for the cases/ charges set out in the COPFS submission of 6 February 2023. By way of explanation, motorcycle theft is included within the electronically registered charge of “theft of a motor vehicle”. There is no other specific electronic marker/information that the SCTS can use, to break down that charge (or any other charge), to identify cases of motorcycle theft.

With this additional information, two members of SCTS staff have expended some 5 hours manually interrogating our system (using the “PF Reference”) to retrieve and quality assure the data in order to respond to the Committee’s request and is set out in the [Annexe](#) to this response.

The number of such cases waiting to be heard by the courts, and timescales for taking forward proceedings on these cases

The Committee may wish to note that our system indicates that for the charge of “theft of a motor vehicle” alone there are around 1200-1300 case registrations per annum across the courts (summary and solemn).

Given what I have set out above, COPFS would require to provide the “PF Reference” for every case that they could identify in order for the SCTS to attempt to ascertain cases waiting to be heard by the courts, and the timescales for taking forward proceedings in these cases. The task to identify that data would in our view be onerous and could not be completed in the time provided (noting above the time expended by SCTS staff to provide the information to the Committee in the [Annexe](#)).

However, the SCTS is not aware of any evidence that cases involving theft of a motorcycle are taking longer to prosecute through the courts than other types of offence. On the matter of court business volumes and trends, I would draw the Committee’s attention to the latest quarterly bulletin (April 2023) on “Criminal Case Throughput” published by the SCTS, which can be found at the link below:

<https://www.scotcourts.gov.uk/about-the-scottish-court-service/scs-news/2023/05/23/monthly-information-on-criminal-case-throughput-for-april-2023>

The bulletin indicates that the average time between pleading diet and evidence led trial is:

- 49 weeks for High Court, compared to the pre-COVID level of 22 weeks;
- 44 weeks for sheriff solemn, compared to the pre-COVID level of 11 weeks;
- 41 weeks for sheriff summary, compared to the pre-COVID level of 23 weeks; and
- 41 weeks for Justice of the Peace, compared to the pre-COVID level of 22 weeks.

In addition, more detailed management information can be found at the link below and in particular at “Tab 1a”:

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.scotcourts.gov.uk%2Fdocs%2Fdefault-source%2Faboutscs%2Freports-and-data%2Freports-data%2Fcriminal-mi%2Fscts-mcmi---april-2023.xlsm%3Fsfvrsn%3D5c572a20_2&wdOrigin=BROWSELINK

I can confirm that the SCTS would not hold data on cases that have yet to reach court, for instance those thefts reported to Police Scotland where no report has been submitted to COPFS or where on receipt of such a report no decision as to prosecution has been taken by COPFS.

The SCTS strives to provide available data when requested to do so and within the timescales provided and I regret being able to only partially assist the Committee on this occasion. However, I hope that the information above and that which is set out in the [Annexe](#) is of assistance to the Committee in its further consideration of Petition PE1971.

Annexe

Report Date	FY Reported	Charge	Court disposal identified	COPFS Additional information
01/08/2017	2017-18	Theft of motor vehicle	Restriction of Liberty Order imposed for 8 months	N/A
28/10/2019	2019-20	Theft Motor Vehicle & Theft	Charge not identified on SCTS case management system. Charges prosecuted related to other Road Traffic Act offences and Vehicle Excise & Registration Act offences. Disposals not provided as not relevant.	N/A
02/07/2021	2021-22	Attempted Theft of motor vehicle	Fine £250 and Victim Surcharge of £20	N/A
02/09/2021	2021-22	Attempted Theft of motor vehicle	Not guilty accepted	N/A
13/04/2018	2018-19	Theft of motor vehicle	Not guilty accepted	N/A
02/06/2020	2020-21	Theft Motor Vehicle & Theft	Deserted pro loco et tempore	N/A
02/06/2020	2020-21	Theft Motor Vehicle & Theft	Deserted pro loco et tempore	N/A
27/04/2017	2017-18	Attempted Theft of motor vehicle	First accused: not guilty accepted.	N/A

27/04/2017	2017-18	Attempted Theft of motor vehicle	Second accused: pled guilty to an alternative charge under section 5(1) of the Civic Government (Scotland) Act 1982 – sentenced to 3 months, 2 weeks imprisonment.	N/A
06/12/2017	2017-18	Attempted Theft of motor vehicle	Merge of charges under: Civic Government (Scotland) Act 1982 Section 57(1) – sentenced to 6 weeks imprisonment. Civic Government (Scotland) Act 1982 Section 57(1) – sentenced to 6 weeks imprisonment.	Merge of charges
05/07/2018	2018-19	Road Traffic Act 1988 S178(1)(b) - Allow to be carried in stolen vehicle	No case identified on system	No action: time barred on receipt
02/11/2021	2021-22	Theft of motor vehicle	Intermediate and trial diet pending.	N/A
05/06/2017	2017-18	Attempted Theft of motor vehicle	No case identified on system	No action: insufficient admissible evidence
24/07/2017	2017-18	Road Traffic Act 1988 S178(1)(b) - Drive stolen vehicle	First accused: Community Payback Order with a supervision requirement of 2 years and a programme requirement to participate in a Road Traffic Group and a Restriction of Liberty Order imposed for 9 months <i>in cumulo</i> with charges identified as Theft of motor vehicle and attempted theft of a motor vehicle. <i>Quoad ultra</i> not guilty accepted.	Accused 3 - not guilty plea accepted in respect of this charge
24/07/2017	2017-18	Attempted Theft of motor vehicle	Second accused: sentenced to 3 months in a Young Offenders Institution. Third accused: not guilty plea accepted.	As above

06/07/2018	2018-19	Attempted Theft of motor vehicle	No case identified on system	No further action: delay to reach conclusions
06/07/2018	2018-19	Attempted Theft of motor vehicle	No case identified on system	No further action: delay to reach conclusions
26/07/2018	2018-19	Theft of motor vehicle	Theft of motor vehicle charge was part of petition appearance but charges libelled on subsequent indictment did not include that specific charge as far as can be identified	N/A
25/10/2018	2018-19	Attempted Theft of motor vehicle	Fine £200	N/A
01/11/2018	2018-19	Road Traffic Act 1988 S178(1)(a) - Take & drive away	Not guilty accepted	N/A
26/03/2019	2018-19	Theft of motor vehicle	First accused: Community Payback Order with 18 month supervision requirement Second accused: not guilty accepted	N/A
28/12/2019	2019-20	Attempted Theft of motor vehicle	Community Payback Order with 2 year supervision requirement	N/A
03/01/2020	2019-20	Attempted Theft of motor vehicle	Attempted theft of motor vehicle charge was part of petition appearance but charges libelled on subsequent indictment did not include that specific charge as far as can be identified.	Charge of attempted theft appeared on Petition and was changed to a charge of reset after consideration of full statements.
23/09/2021	2021-22	Attempted Theft of	No case identified on system	No action: further action disproportionate

		motor vehicle		
23/09/2021	2021-22	Attempted Theft of motor vehicle	No case identified on system	No action: further action disproportionate
21/10/2021	2021-22	Theft of motor vehicle	Theft of motor vehicle - not guilty accepted Theft of motor vehicle - admonished and dismissed	N/A
26/01/2022	2021-22	Attempted Theft of motor vehicle	Deferred sentence pending in respect that the accused has other matters which are to call in court at a later date.	N/A
25/06/2018	2018-19	Attempted Theft	Not guilty accepted	N/A
18/05/2017	2017-18	Theft of motor vehicle	Fine £200	N/A
01/05/2019	2019-20	Theft of motor vehicle	Sentenced to 16 months imprisonment (appeal lodged but refused <i>quoad</i> periods of imprisonment)	N/A
03/04/2019	2019-20	Attempted Theft of motor vehicle	Sentenced to 120 days imprisonment (which was ordered to run consecutively with the period imposed in respect of another matter).	N/A
02/02/2021	2020-21	Attempted Theft	Admonished and dismissed	N/A
11/06/2021	2021-22	Attempted Theft of motor vehicle	Sentenced to 160 days imprisonment	N/A
31/08/2018	2018-19	Road Traffic Act 1988	Admonished and dismissed	N/A

		S178(1)(a) - Take & drive away		
16/09/2021	2021-22	Attempted Theft of motor vehicle	Admonished and dismissed	N/A
19/11/2021	2021-22	Attempted Theft	Not guilty accepted	N/A
31/01/2019	2018-19	Road Traffic Act 1988 S178(1)(a) - Take & drive away	Not called	N/A
21/09/2021	2021-22	Attempted Theft of motor vehicle	Not guilty accepted	N/A
08/11/2019	2019-20	Attempted Theft of motor vehicle	Sentenced to 4 months imprisonment to commence from the expiry of a sentence imposed on another matter on the same date.	N/A
20/08/2017	2017-18	Theft of motor vehicle	Community Payback Order with 200 hours unpaid work/ other activity requirement	N/A
28/10/2019	2019-20	Attempted Theft of motor vehicle	Merge of charges - Theft of motor vehicle Restriction of Liberty Order of 9 months imposed	Merge of charges
13/12/2021	2021-22	Attempted Theft	Not guilty accepted	N/A

24/04/2020	2020-21	Attempted Theft of motor vehicle	Attempted theft of motor vehicle charge was part of petition appearance but charges labelled on subsequent indictment did not include that specific charge as far as can be identified.	Roll-up of 3 police reports and merge of charges - no further action in respect of attempted theft of m/v
19/05/2020	2020-21	Attempted Theft of motor vehicle	Not called	N/A
28/04/2017	2017-18	Theft of motor vehicle	Fine £150 and Compensation Order of £50	N/A
16/07/2020	2020-21	Theft of motor vehicle	First accused: sentenced to 26 months imprisonment <i>in cumulo</i> Second accused: not guilty accepted	N/A
16/07/2020	2020-21	Theft of motor vehicle		N/A

Glossary of terms:

Admonition (admonished and dismissed) - in some circumstances when a person has pled guilty or been convicted of an offence, the judge may admonish the offender not to commit the offence again and impose no other penalty.

Desert pro loco et tempore - to stop the particular indictment or summary complaint proceeding further without the facts being determined.

In cumulo - this is an overall sentence that is given for offences that arise as a 'course of conduct' (at least 2 similar incidents) or where multiple offences arise from the same incident. Where this is done, no part of the overall sentence is for any of the individual offences.

Not called – the Crown may elect not to call a case. Where this occurs, matters are formally minuted by the clerk of court which brings those specific proceedings to an end. It may be open to the Crown to raise further proceedings if they choose to do so (subject to matters such as time bar).

Quoad – with respect to. **Quoad ultra** - as regards everything else.