

Rùnaire a' Chaibineit airson Ceartas agus Seann-ghaisgich  
Cabinet Secretary for Justice and Veterans  
Keith Brown MSP



F/T: 0300 244 4000  
E: [scottish.ministers@gov.scot](mailto:scottish.ministers@gov.scot)

Audrey Nicoll MSP  
Convener  
Criminal Justice Committee  
The Scottish Parliament  
Edinburgh  
EH99 1SP

[justicecommittee@parliament.scot](mailto:justicecommittee@parliament.scot)

08 November 2022

Dear Convener

## **ACCESS TO COURT TRANSCRIPTS**

Thank you for your letter of 6 October 2022.

I should perhaps first make clear that rather than view the issues identified as obstacles they are more questions that require to be carefully considered with the Lord President and the Scottish Courts and Tribunals Service (SCTS). These include the contractual arrangements SCTS currently have in place to provide transcription services and how those are applied, and the obvious financial implications of altering these arrangements, whether in relation to responding to requests for court transcripts from survivors of rape and other sexual offences, or more generally.

In addition, any changes require close consideration of the general legislative position under the Criminal Procedure (Scotland) Act 1995, and the specific secondary legislation (the Transcript of Criminal Proceedings (Scotland) Order 1993 and the Transcripts of Criminal Proceedings (Scotland) Amendment Order 1995). The overall effect of the legislation is to provide that the Clerk of the Justiciary is prohibited from ordering a transcript of evidence in a closed court, unless as set out in the instrument the person is a specified class of person, the proceedings are a specified class of proceedings, and the purpose is a specified purpose.

In essence, any changes to the current approach would need to be considered in the context of the current safeguards that are in place and as outlined in legislation, and indeed from the perspective of all those involved in a case, as well as taking into account the operational and contractual arrangements referred to above.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)

**INVESTORS IN PEOPLE**™  
We invest in people Silver



These are the very reasons why I consider that these matters need to be looked at closely, in conjunction with operational partners, as part of our joint commitment to improving victims and experiences wherever possible, and in the context of delivering against our Vision for Justice in Scotland. I am interested in understanding from operational partners the opportunities that advances in technology may provide in this area, such as automated transcription.

I am very much aware of the Committee's desire to see movement in this area and, as previously advised, I will keep you informed as we make progress.



**KEITH BROWN**

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See [www.lobbying.scot](http://www.lobbying.scot)

St Andrew's House, Regent Road, Edinburgh EH1 3DG  
[www.gov.scot](http://www.gov.scot)

**INVESTORS IN PEOPLE**™  
We invest in people Silver

