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Our Ref: FOI 2025-509

Date: 05 January 2026

### Freedom of Information (Scotland) Act 2002 (FOISA)

Thank you for your further request, received by the Scottish Courts and Tribunals Service (SCTS) on 02 December 2025, following our previous response issued under reference FOI 2025-468, in which you have sought information regarding Section 275 of the Criminal Procedure (Scotland) Act 1995.

Please see answers to each part of your request, in turn, detailed below:

**1. For each of the past 5 years, the number of Section 275 applications recorded in the SCTS case management system.**

As advised in our previous response to you on 02 December 2025, reference FOI 2025-468, the number of Section 275 applications recorded in the SCTS case management system can be shown below:

Number of Section 275 applications made in the High Court and Sheriff Courts between 1st April 2020 and 25th November 2025

Court	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26 <sup>1</sup>	Total Applications made
High Court	227	289	366	439	522	438	2281
Sheriff Court	16	48	48	38	42	27	219
Total	243	337	414	477	564	465	2500

1. The period covered for 2025/26 is 1st April to 25th November 2025.

2. All Section 275 applications are from solemn procedures.

The data provided in our previous response under FOI 2025-468 is the data in which SCTS holds with regards to this point of your request. That said, I do however note that our previous response omitted to provide further context with regards to the above noted figures. As such, please see below some further information which should be read in conjunction with the above noted data provided.

SCTS uses a live operational case management system for the processing of court business which is designed for the sole purpose of processing court business. The information held on the system is structured for these needs rather than for statistical or research purposes. The information it can capture is drawn from essential case information which is largely manually input.

The information which the system can capture is the number of cases, rather than applications, in which a written application made under section 275 has been recorded within our criminal case management system. Whilst the criminal case management system does have functionality to record a section 275 (application) - only one such event can be recorded per case. Therefore, the figures provided may not accurately reflect total number of 275 applications recorded, as there may be multiple 275 applications lodged in any one case.

As previously explained the information provided is based on the best information available from the case management system as 26 November 2025 – however it should be read with caution for the reasons as set out above.

For completeness, whilst possible to extract the number of cases in which a 275 application has been recorded. I regret the system does not have functionality to identify all 275 applications recorded for the reasons set out above. I apologise that this was not made clear in our previous response.

Where subsequent 275 applications are received in a case, such information would only be identifiable from the individual court minutes of each case. This information is consequently exempt from release in terms of Section 37(1) of FOISA as it is contained in court documents created for the purposes of court proceedings. This is an absolute exemption and not subject to the public interest test.

SCTS do not collate and/or create the statistical information requested and therefore could only produce/build such statistics from accessing exempt content – namely from interrogation of individual court minutes. Under FOISA, we are not obliged to produce statistics built or drawn from exempt content. As set out in Section 2 of FOISA this is an absolute exemption and is not subject to the public interest test.

***2. Of those, the number marked as “granted”, “refused”, or “withdrawn” within the electronic system.***

With regards to point 2 of your request, as advised in our previous response to you, reference FOI 2025-496, information regarding the number of granted, refused or withdrawn applications are only contained within court records.

It is therefore not possible to provide the information sought with regards to the number of Section 275 applications which have been granted, refused or withdrawn without accessing information contained within court records and using it to construct the information sought.

Section 37(1) of FOISA sets out that information is exempt if it is contained in a document “created by a court or a member of its administrative staff for the purposes of, or in the course of, such proceedings”. The information you have requested falls within this definition and is therefore held by SCTS as information within our court records.

I must explain that the term “document” in section 37 means no more than the form or format (paper, electronic, audio, video or otherwise) in which the information is recorded. The fact that a court record can be in an electronic format on a case management system makes no difference to the application of section 37. FOISA concerns information, rather than the format it is in. Accordingly, court minutes on the SCTS’s case management system are still court records.

Accordingly, the information is exempt from disclosure due to the exemptions within Section 37(1) of FOISA (Court Records etc.). It is not possible to compile the statistics requested without access information within court records and using it to construct the information sought. We are not obliged under FOISA to provide statistics built from or drawn from exempt content. As set out in Section 2 of FOISA this is an absolute exemption and is therefore not subject to the public interest test.

***3. Any internal statistical summaries, dashboards, or management reports referencing Section 275 applications.***

Whilst SCTS does try wherever possible to provide the information requested, I regret that I must give notice in terms of section 17 of FOISA that the requested information is not held by SCTS.

By way of explanation, having made enquiries with our Management Information Analysis Team, being the team with overall responsibility for extracting of administrative data held by SCTS to produce management information reports, I can confirm that no internal statistical summaries, dashboards, or management reports have been produced which reference Section 275 applications.

***4. Any non-confidential policy guidance, internal briefings, or administrative notes held by SCTS relating to Section 274–275 procedures.***

I can advise internal guidance is produced for SCTS staff which aims to provide staff with procedural advice and updates in respect of performance of tasks within their administrative role.

Having consulted with our Legislation Implementation Team, Education and Learning Unit and High Court of Justiciary, I am please to provide relevant excerpts of guidance and bulletins which have been produced by SCTS and provided to SCTS Staff relating to Section 274-275 applications.

Excerpts of relevant guidance are appended to this letter as follows:

**Annex 1** Section 275 of the Criminal Procedure (Scotland) Act 1995

**Annex 2** Sexual Offences (Procedure and Evidence) (Scotland) Act 2002

**Annex 3** Criminal Procedure (Amendment) (Scotland) Act 2004 - see para 45

**Annex 4** Solemn Minutes Styles

**Annex 5** Sexual Offences (Procedure and Evidence) (Scotland) Act 2002 Style minutes

**Annex 6** Criminal Procedure (Scotland) Act 1995 – Sheriff and Jury Provisions, as amended by the Criminal Justice (Scotland) Act 2016 – please see pages 13 and 18

**Annex 7** High Court training for Preliminary hearings

Excerpts of relevant email bulletins issued to staff are also appended to this letter contained within **Annex 8** as follows:

- 06 December 2022 - Progress Report published by the Scottish Government 24 November 2022 [HM Inspectorate of Prosecution in Scotland: annual report 2021 to 2022](#).
- 01 November 2022 - Progress report published by the Scottish Government 19 October 2022. [Criminal Procedure \(Scotland\) Act 1995 - sections 274 and 275: inspection of COPFS practice](#) - An inspection by HM Inspectorate of Prosecution in Scotland of COPFS practice in relation to sections 274 and 275 of the Criminal Procedure (Scotland) Act 1995.
- 18 January 2022 - Fact sheet published by the Scottish Government 13 January 2022 [Inspection of COPFS practice in relation to sections 274 and 275 of the Criminal Procedure \(Scotland\) Act 1995 – terms of reference](#).

As noted above, the information provided is taken from internal guidance produced for SCTS staff which aims to provide staff with procedural advice and updated in respect of performance of tasks within their role.

Please note some information has been redacted from the information provided, as it contains the personal data of staff members. Under FOISA, I am unable to provide you with personal data of another person. The exemption applicable here is Section 38(1)(b) (personal data of another person, the release of which would not be considered fair in terms of the data protection principles). This is an absolute exemption and not subject to the public interest test.

Should you feel dissatisfied with this response or the manner in which your request has been handled, FOISA 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 3X  
[foi@scotcourts.gov.uk](mailto: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>