



Scottish Courts and Tribunals Service HQ
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD
DX 545309 Edinburgh 39

Our Ref: FOI 2026-067

Date: 12 March 2026

Dear

Freedom of Information (Scotland) Act 2002 (FOISA)

Thank you for your request, received by the Scottish Courts and Tribunals Service (SCTS) on 24 February 2026 in the following terms:

Please provide, for the most recent five completed financial years:

- 1. The number of solemn trials in which judicial directions to the jury included reference to Moorov doctrine or course-of-conduct corroboration.***
- 2. Any bench book guidance or judicial training materials currently in force which address Moorov doctrine.***

If the information is not recorded under the term “Moorov”, please provide equivalent classification where available.

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

In response to point 1 of your request, whilst SCTS does try where possible to provide the information requested, I regret on this occasion, as the information sought is only contained within court record itself, this information is covered by the court records exemption detailed in Section 37(1) of FOISA. This is an absolute exemption and as such is not subject to the public interest test.

By way of explanation, information recorded in relation to a Judges direction to a jury, is only contained within documents lodged for the purposes of proceedings and documents created by administrative staff during such proceedings and is therefore exempt. Namely within audio and/or transcriptions of solemn case proceedings.

Section 37(1) sets out that information is exempt if it is contained in a document “lodged with a court and/or 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 the 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.

For completeness, I can confirm there is no electronic marker or field within the case management system to identify and/or electronically extract the information sought.

Accordingly, the information sought 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.

In response to point 2 of your request, the Judicial Institute is part of the Judicial Office for Scotland, which itself is part of the Scottish Courts and Tribunals Service. The Judicial Institute provides support to the Lord President in fulfilling his responsibilities as head of the Scottish judiciary, pursuant to section 2(2) of the Judiciary and Courts (Scotland) Act 2008. These include the Lord President’s responsibility under section 2(2)(d) of making and maintaining appropriate arrangements for the welfare, training and guidance of judicial office holders.

The Judicial Institute was set up to assist the Lord President in the discharge of his statutory obligations as regards judicial training. As a judge, the Lord President is not himself part of SCTS, which is a separate legal entity. Section 62 of the 2008 Act provides that SCTS has the function of providing administrative support for the Lord President in carrying out his functions.

Section 3(2)(a) of FOISA provides that information is held by an authority if it is not held on behalf of another person. To the extent that any information is held within the Judicial Institute concerning guidance and/or training material provided to Scottish Judiciary, it is held on behalf of the Lord President.

As the Lord President is not a Scottish public authority, the information requested in respect of guidance/training material for judicial office holders is outwith the scope of FOISA.

I accordingly must give notice in terms of section 17 of FOISA that the requested information is not held by SCTS.

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

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

Yours sincerely,

Erin Clark

Information & Correspondence Officer