

Statistics Release

12 September 2007

CRIMINAL APPEAL STATISTICS, SCOTLAND, 2006/07

A total of 2,118 criminal appeals were concluded in the High Court of Justiciary in 2006/07, a decrease of 25 per cent compared with 2005/06, figures released today show. This is the lowest figure recorded over the last ten years.

The number of completed appeals against decisions of the summary first instance courts fell between 2005/06 and 2006/07. The decrease was 24 per cent (to 1,158) for the Sheriff summary courts and 32 per cent (to 164) for the District and Stipendiary Magistrate courts.

The number of completed appeals for Solemn first instance courts also decreased. For the High Court the decrease was 32 per cent to 296 and for the Sheriff Solemn Courts the decrease was 18 per cent to 499.

Trends over recent years in the number and average duration of completed criminal appeals have been influenced by a number of factors. A judicial direction in September 2002 meant that priority was given to dealing with solemn conviction appeals. The amount of court time allocated with dealing with that class of appeal was therefore increased from 19 court weeks in 2001 to 26 in 2002. With the demands of trial and civil court business on judicial time, and efforts to conclude longstanding appeal cases, this resulted in delays and backlogs in dealing with other types of criminal appeals business. Additional resources in the form of temporary judges were, however, made available in January 2004 to help deal with the backlog of appeals.

Table 1 Criminal appeals, by type of court of first instance, 1997/98-2006/07

Year	Number					Percentage of total			
	Total ⁽¹⁾	High Court	Sheriff Solemn	Sheriff Summary	District ⁽²⁾ Court	High Court	Sheriff Solemn	Sheriff Summary	District ⁽²⁾ Court
1997/98	3,255	232	316	2,332	375	7	10	72	12
1998/99	2,890	365	313	1,932	280	13	11	67	10
1999/00	3,414	348	425	2,277	364	10	12	67	11
2000/01	3,204	395	461	2,103	245	12	14	66	8
2001/02	3,249	393	460	2,161	235	12	14	67	7
2002/03	2,156	420	376	1,242	118	19	17	58	5
2003/04	2,679	458	481	1,548	189	17	18	58	7
2004/05	3,152	427	599	1,839	287	14	19	58	9
2005/06	2,825	437	612	1,533	242	15	22	54	9
2006/07	2,118	296	499	1,158	164	14	24	55	8

1. Includes appeals where type of court of first instance not known.

2. Includes Stipendiary Magistrates Court.

Table 2 Criminal appeals, by type of appeal, 1997/98-2006/07

Year	Number					Percentage of total			
	Total ⁽¹⁾	Solemn Conviction ⁽²⁾	Solemn Sentence only	Summary Conviction ⁽²⁾	Summary Sentence only	Solemn Conviction ⁽²⁾	Solemn Sentence only	Summary Conviction ⁽²⁾	Summary Sentence only
1997/98	3,255	106	441	337	2,368	3	14	10	73
1998/99	2,890	155	523	339	1,872	5	18	12	65
1999/00	3,414	181	592	382	2,257	5	17	11	66
2000/01	3,204	163	693	272	2,075	5	22	8	65
2001/02	3,249	147	706	311	2,083	5	22	10	64
2002/03	2,156	221	575	215	1,145	10	27	10	53
2003-04 ⁽³⁾	2,679	187	755	316	1,421	7	28	12	53
2004-05 ⁽³⁾	3,152	219	807	411	1,715	7	26	13	54
2005-06 ⁽³⁾	2,825	232	818	315	1,460	8	29	11	52
2006/07	2,118	160	636	213	1,109	8	30	10	52

1. Includes appeals relating to acquittals.

2. Includes appeals against conviction and sentence.

3. Incorporates revised data.

Between 2005/06 and 2006/07, the overall average duration of completed criminal appeals decreased by 14 per cent to 132 days.

The average duration of completed summary conviction appeals decreased by 18 per cent (to 129 days), whilst summary sentence appeals increased by 10 per cent (to 79 days).

The average duration of completed solemn conviction and solemn sentence appeals decreased by 12 per cent (to 372 days) and 25 per cent (to 162 days) respectively.

As for types of first instance courts, the average duration of appeals from Sheriff summary courts was down 3 per cent (to 85 days), while for District and Stipendiary Magistrates courts it increased by 22 per cent (to 106 days).

A decrease of 24 per cent (to 311 days) was recorded in the average duration of appeals from High Court first instance, while the average duration for Sheriff Solemn courts was down 8 per cent (to 141 days).

The majority (81 per cent) of appeals concluded in 2006/07 were completed within 6 months, a similar figure to the corresponding proportion in 2005/06 (82 per cent).

Thirty three per cent of solemn conviction appeals and 5 per cent of summary conviction appeals concluded in 2006/07 took a year or more to complete, decreases of 11 and 5 percentage points from 2005/06 respectively.

The proportion of solemn sentence appeals taking a year or more to complete dropped from 15 to 8 per cent in 2006/07, whilst the corresponding proportion of summary sentence only appeals remained at 2 per cent.

NOTE: For the purposes of these statistics, the duration of an appeal case is measured from the date it was initially registered to the date it was determined. It should also be noted that the duration of a criminal appeal case will, in part, depend upon the time it takes for the Crown, and an appellant, to prepare their case. An appeal hearing date will not generally be allocated until both parties are ready to proceed.

Chart 1
Criminal appeals by type of appeal and average duration, 1997/98 - 2006/07

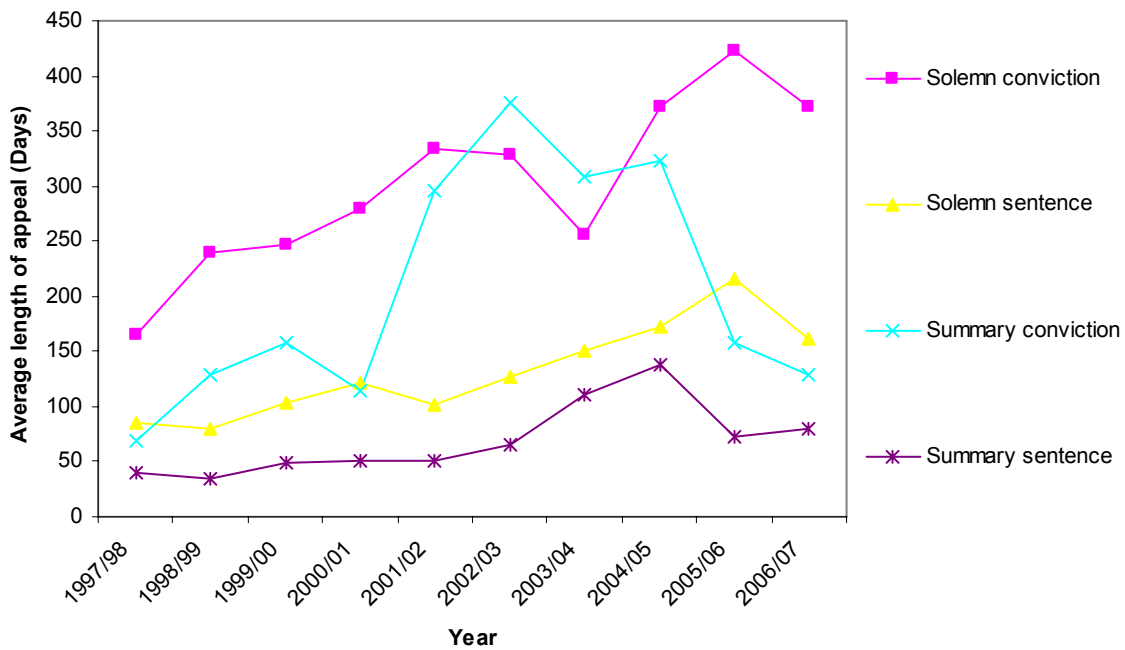


Chart 2
Criminal appeals, by type of court of first instance and
average duration, 1997/98-2006/07

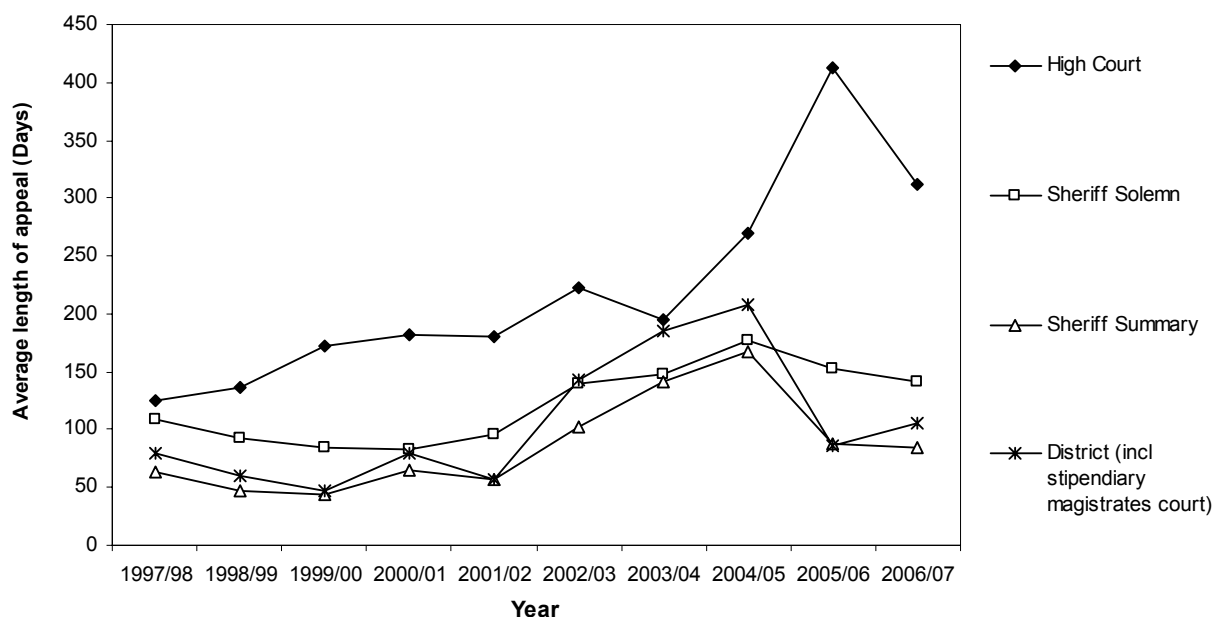


Table 3 Criminal appeals against conviction and sentence, percentage by duration by type of appeal, 1997/98-2006/07

Year	Solemn conviction ⁽¹⁾			Solemn sentence			Summary conviction ⁽¹⁾			Summary sentence		
	Up to 6 months	6 months - 1 year	1 year or more	Up to 6 months	6 months - 1 year	1 year or more	Up to 6 months	6 months - 1 year	1 year or more	Up to 6 months	6 months - 1 year	1 year or more
1997/98	66	28	6	92	7	1	89	10	0	99	1	1
1998/99	58	22	20	92	6	2	77	4	19	97	1	1
1999/00	55	29	15	88	9	3	69	18	13	97	1	2
2000/01	57	17	26	89	8	2	71	26	2	97	2	1
2001/02	52	17	31	92	6	2	67	7	25	96	1	3
2002/03	40	28	33	90	8	3	62	1	36	95	3	2
2003/04 ⁽²⁾	29	53	18	72	25	3	46	18	36	80	17	3
2004/05 ⁽²⁾	39	16	45	69	21	10	39	24	36	70	24	6
2005/06 ⁽²⁾	31	24	44	74	11	15	80	10	10	95	2	2
2006/07	40	27	33	78	14	8	77	18	5	89	9	2

1. Includes appeals against conviction and sentence.
2. Incorporates revised data.

Of the 2,118 appeals concluded in 2006/07, 11 per cent related to conviction alone, 82 per cent to sentence alone and 6 per cent to both conviction and sentence. The majority (73 per cent) of appeals involved persons who had been given a custodial sentence, while a further 17 per cent related to persons who had been fined.

Chart 3
Criminal appeals, by type of appeal, 2006/07

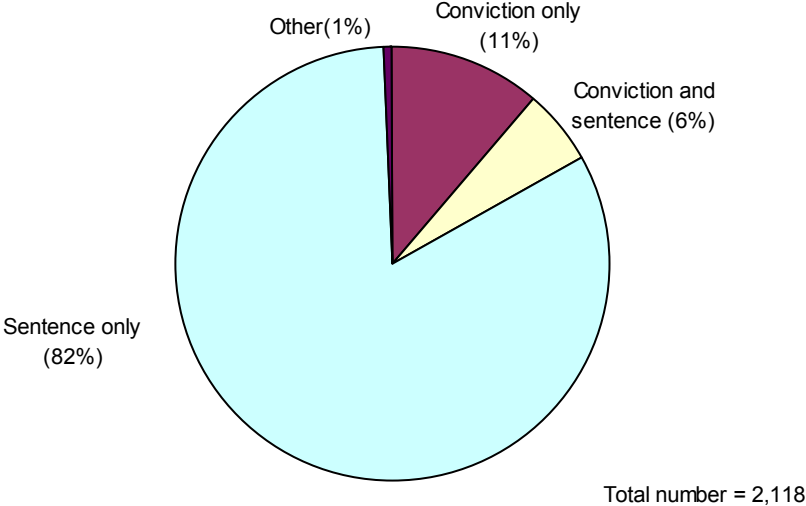


Table 4 Criminal appeals, by main crime and disposal under appeal, 2006/07

Disposal before appeal	Crimes of Number											
	All crimes and offences ⁽³⁾	Crimes of violence	Crimes of indecency	Crimes of dishonesty	Crimes of damage	Criminal damage	Drug offences	Other crimes	Common assault	Breach of the peace	Other misc. offences	Motor vehicle offences
Total⁽¹⁾	2,118	331	248	309	37	213	182	96	185	92	413	
Custody⁽²⁾	1,545	314	181	280	22	188	158	75	114	59	154	
Up to 6 months	771	15	71	209	14	46	133	38	93	41	111	
>6 months to 2 years	372	92	48	60	4	64	18	26	12	8	40	
> 2 to < 4 years	133	51	16	6	3	32	4	7	5	8	1	
4 years & over (including life)	268	155	46	5	1	46	3	4	4	2	2	
Community sentence	111	5	26	11	2	8	8	10	24	5	11	
Financial penalty	364	1	29	8	9	12	11	8	32	17	237	
Other sentence	36	1	1	3	2	2	2	.	7	8	10	
Percentage of persons with a charge proved⁽⁴⁾												
Total⁽¹⁾	2	16	30	2	1	3	2	1	1	1	1	
Custody⁽²⁾	10	30	80	6	5	20	7	4	7	4	14	
Up to 6 months	6	8	100	5	4	11	6	2	6	3	13	
>6 months to 2 years	21	21	71	17	12	25	19	16	34	7	18	
> 2 to 4 years	29	31	48	13	43	22	57	28	100	40	17	
4 years & over (including life)	62	69	68	83	100	41	75	100	100	22	100	
Community sentence	1	1	10	*	*	1	*	*	1	*	1	
Financial penalty	*	*	14	*	*	*	*	*	*	*	1	
Other sentence	*	1	1	*	*	*	*	-	*	*	1	

- Nil * Less than 0.5

1. Includes disposal not known

2. Includes sentence length not known.

3. Includes type of offence not known.

4. Percentages based on the number of persons with a charge proved in 2005/06.

The total of 2,118 completed appeals in 2006/07 was equivalent to around two per cent of the total number of persons convicted in criminal proceedings. As a proportion of all persons convicted, appeals were relatively more frequent in cases involving custodial sentences (10 per cent) than for fines or other types of sentence (1 per cent or less). This proportion also tended to increase with custodial sentence length: it was 6 per cent for sentences of up to 6 months compared to 62 per cent for cases involving sentences of 4 years and over.

Of the total number of appeals completed in 2006/07, 64 per cent were refused at the sift stage or abandoned, while a further 15 per cent were dismissed. The remainder comprised appeals which were sustained, either in relation to an appeal against a conviction (5 per cent) or to an appeal against sentence (17 per cent). A small number of appeals resulted in an increase in the original sentence imposed. The overall proportion of appeals which were sustained was highest for cases from the District and Stipendiary Magistrates Courts (33 per cent) and lowest for cases from the Sheriff Summary Courts (18 per cent).

Chart 4
Criminal appeals, by type of trial court and percentage outcome, 2006/07

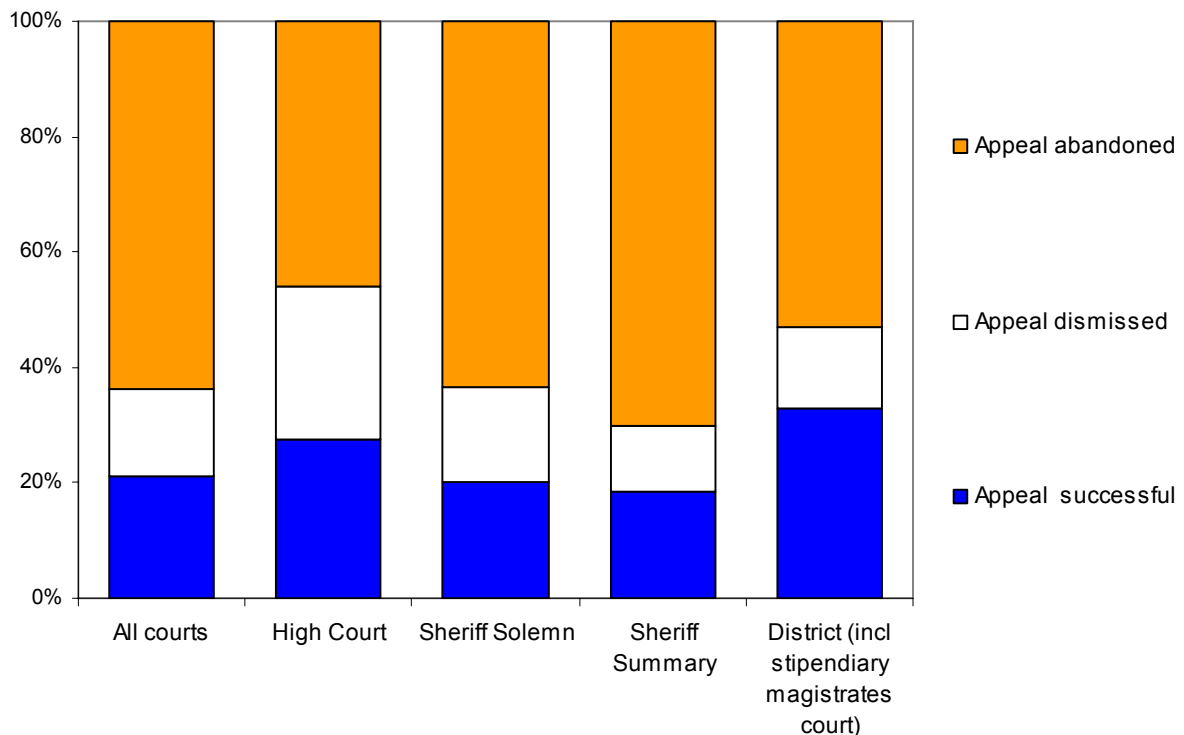


Table 5 Criminal appeals, by outcome, 1997/98 - 2006/07

Year	Total ⁽²⁾			Number			Percentage of total			
	Total ⁽²⁾	Appeal sustained Conviction ⁽³⁾	Appeal sustained Sentence	Dismissed	Abandoned ⁽⁴⁾	Abandoned ⁽⁴⁾	Appeal sustained Conviction ⁽³⁾	Appeal sustained Sentence	Abandoned ⁽⁴⁾	
1997-98	3,255	53	470	759	1,964	1,964	2	14	23	60
1998-99	2,890	45	379	664	1,792	1,792	2	13	23	62
1999-00	3,414	58	375	627	2,337	2,337	2	11	18	68
2000-01	3,204	49	318	694	2,137	2,137	2	10	22	67
2001-02	3,249	87	384	609	2,167	2,167	3	12	19	67
2002-03	2,156	69	346	435	1,302	1,302	3	16	20	60
2003-04 ⁽¹⁾	2,679	111	422	542	1,604	1,604	4	16	20	60
2004-05 ⁽¹⁾	3,152	174	722	788	1,468	1,468	6	23	25	47
2005-06 ⁽¹⁾	2,825	151	598	519	1,557	1,557	5	21	18	55
2006-07	2,118	96	350	316	1,353	1,353	5	17	15	64

1. Incorporates revised data.

2. Includes a small number of other sustained appeals.

3. Includes appeals against conviction and sentence.

4. Includes appeals refused at sift stage.

NOTES

1. Any person convicted of a criminal offence in Scotland by a court of first instance may appeal to the High Court of Justiciary sitting as the court of criminal appeal, usually subject to the granting of leave to appeal. Convicted offenders may appeal against their conviction; against sentence; or against both conviction and sentence.
2. Applications for leave to appeal are considered by a single High Court judge in chambers who, if he considers that there are arguable grounds of appeal, will grant leave to appeal. Where leave is refused by the single judge the offender may apply to the High Court for leave to appeal. The Lord Advocate has a right to refer a case to the High Court for a decision on a point of law (though this does not affect an acquittal), and a right of appeal on a point of law and against a sentence on grounds of undue leniency.
2. The Scottish Criminal Cases Review Commission (SCCRC) was established on 1 April 1999 to review and investigate cases of alleged miscarriage of justice in Scotland. Where the Commission believes, after proper investigation, that a miscarriage of justice may have occurred, and that it is in the interests of justice to do so, it may refer a case to the High Court for review. Once a case is referred, the High Court will determine the case as if it was a normal appeal.
3. The year in which an appeal is counted is the year in which it was concluded. This is not necessarily the same as the year in which the appeal was lodged, nor the year in which sentence was passed in the original court case. Incompetent appeals and certain types of procedural appeal, such as those which are for an extension of time on an existing appeal, are excluded from the figures.
4. The statistics published in this Statistics Release are derived from information provided by the High Court of Justiciary. They reflect the information as held at 15 August 2007. Some minor revisions to data published previously for previous years have been incorporated into this Statistics Release; any further revisions to the data will be reported in future Statistics Releases.
5. The statistics for January 2003 onwards were derived from an electronic data extract from the High Court of Justiciary's appeals case management system. This method of data collection replaced the set of manually completed paper returns used to collect the data for previous years. While this new method of data collection is believed to be inherently more accurate than the previous one, the change to it may have resulted in a slight discontinuity between the figures for 2003-04 and those for earlier years.
6. This Statistics Release may be viewed on the Scottish Government Internet Web site: www.scotland.gov.uk/stats/bulletins/00603.

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ISSN 0264 1178

ISBN 978 0 7559 6741 4

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