En matière de justice civile, les procédures en cours et les procédures ouvertes avant la fin de la période de transition se poursuivront en vertu du droit de l'Union. Sur la base d'un accord mutuel avec le Royaume-Uni, le portail e-Justice conservera les informations relatives au Royaume-Uni jusqu'à la fin de 2024.

Defendants (criminal proceedings)

Ecosse

These factsheets explain what happens when a person is suspected or accused of a crime which is dealt with by a trial in court.

For information on minor road traffic offences, which are usually dealt with by a fixed penalty like a fine, go to Factsheet 5.

If you are the victim of a crime, you can find full information about your rights here.

Please note that these factsheets apply only to Scotland. If you want to know your rights in other parts of the United Kingdom, see the separate factsheets for England and Wales, and for Northern Ireland.

Summary of the criminal process

The normal stages in the criminal process are as follows:

The police make inquiries to discover if a crime has been committed and who committed it. They collect evidence;

Once the police identify a suspect they will make further inquiries, including questioning the suspect;

If the police consider that the suspect may have committed a crime they make a report to the prosecutor (known in Scotland as the Procurator Fiscal);

The prosecutor considers what charges are to be brought against the accused. A formal document is served on the accused which sets out the crime charged against him;

Before the trial, court hearings take place to find out how the accused wishes to answer the charge against him and to check that the case is ready to go to trial;

At the trial evidence is presented by the prosecutor. The accused may also present evidence in his defence. Guilt in the most serious cases will be decided by a jury, and in less serious cases by a judge sitting alone;

After all the evidence is led, the judge or jury state a verdict. If the accused is found guilty the judge will determine the sentence against him;

Once sentence has been given there may be an appeal against the conviction or sentence (or both).

Details about all of these stages in the process and about your rights can be found in these factsheets. This information is not a substitute for legal advice and is intended to be for guidance only.

Role of the European Commission

Please note that the European Commission has no role in criminal proceedings in Member States and cannot assist you if you have a complaint. Information is provided in these factsheets about how to complain and to whom.

Click on the links below to find the information that you need

1 – Getting legal advice
2 – My rights during the investigation of a crime
3 – My rights during the trial
Investigation
Court appearances before the trial
Preparation of the case before the trial
4 – My rights after the trial
5 – Road traffic offences

Related links

Criminal Procedure (Scotland) Act 1995
Scottish Courts and Tribunals Service
Crown Office and Procurator Fiscal Service
Scottish Criminal Cases Review Commission

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