



SCOTTISH EXECUTIVE

Justice Department
Criminal Justice Division

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Statistics Release

30 October 2003

CRIMINAL APPEAL STATISTICS, SCOTLAND, 2002

A total of just under 2,500 criminal appeals were concluded in the High Court of Justiciary in 2002, a decrease of 31 per cent compared with 2001 and the lowest figure recorded in the last decade, figures released today show.

Between 2001 and 2002, the number of completed appeals where the court of first instance was also the High Court increased by 15 per cent to 452, with all of this increase attributable to a near doubling, from 83 to 154, in the number of appeals against conviction. The number of completed appeals where the court of first instance was another type of court fell: Sheriff Solemn (by 32 per cent to 364), Sheriff Summary (by 37 per cent to 1,506) and District and Stipendiary Magistrates (by 39 per cent to 148).

Table 1 Criminal appeals, by type of court of first instance, 1992-2002

| Year | Number | | | | | Percentage of total | | | |
|---------------------|--------|------------|----------------|-----------------|-----------------------------|---------------------|----------------|-----------------|-----------------------------|
| | Total | High Court | Sheriff Solemn | Sheriff Summary | District ² Court | High Court | Sheriff Solemn | Sheriff Summary | District ² Court |
| 1992 | 3,474 | 257 | 521 | 2,273 | 423 | 7 | 15 | 65 | 12 |
| 1993 | 3,652 | 290 | 552 | 2,389 | 421 | 8 | 15 | 65 | 12 |
| 1994 | 3,407 | 287 | 540 | 2,124 | 456 | 8 | 16 | 62 | 13 |
| 1995 | 3,415 | 277 | 437 | 2,248 | 453 | 8 | 13 | 66 | 13 |
| 1996 | 2,946 | 292 | 397 | 1,974 | 283 | 10 | 13 | 67 | 10 |
| 1997 | 3,270 | 264 | 410 | 2,261 | 335 | 8 | 13 | 69 | 10 |
| 1998 | 2,986 | 285 | 295 | 2,107 | 299 | 10 | 10 | 71 | 10 |
| 1999 ⁽¹⁾ | 3,196 | 350 | 382 | 2,127 | 337 | 11 | 12 | 67 | 11 |
| 2000 ⁽¹⁾ | 3,198 | 421 | 418 | 2,057 | 302 | 13 | 13 | 64 | 9 |
| 2001 ⁽¹⁾ | 3,568 | 394 | 539 | 2,391 | 244 | 11 | 15 | 67 | 7 |
| 2002 | 2,470 | 452 | 364 | 1,506 | 148 | 18 | 15 | 61 | 6 |

1. Revised figures.

2. Includes Stipendiary Magistrates Court.

Table 2 Criminal appeals, by type of appeal, 1992-2002

| Year | Number | | | | | Percentage of total | | | |
|---------------------|----------------------|----------------------------------|----------------------|-----------------------------------|-----------------------|----------------------------------|----------------------|-----------------------------------|-----------------------|
| | Total ⁽²⁾ | Solemn Conviction ⁽³⁾ | Solemn Sentence only | Summary Conviction ⁽³⁾ | Summary Sentence only | Solemn Conviction ⁽³⁾ | Solemn Sentence only | Summary Conviction ⁽³⁾ | Summary Sentence only |
| 1992 | 3,474 | 207 | 569 | 540 | 2,121 | 6 | 16 | 16 | 61 |
| 1993 | 3,652 | 234 | 608 | 589 | 2,184 | 6 | 17 | 16 | 60 |
| 1994 | 3,407 | 261 | 565 | 527 | 2,038 | 8 | 17 | 15 | 60 |
| 1995 | 3,415 | 206 | 508 | 457 | 2,235 | 6 | 15 | 13 | 65 |
| 1996 | 2,946 | 185 | 504 | 365 | 1,884 | 6 | 17 | 12 | 64 |
| 1997 | 3,270 | 124 | 549 | 384 | 2,208 | 4 | 17 | 12 | 68 |
| 1998 | 2,986 | 119 | 461 | 315 | 2,090 | 4 | 15 | 11 | 70 |
| 1999 ⁽¹⁾ | 3,196 | 188 | 544 | 413 | 2,049 | 6 | 17 | 13 | 64 |
| 2000 ⁽¹⁾ | 3,198 | 179 | 660 | 266 | 2,092 | 6 | 21 | 8 | 65 |
| 2001 ⁽¹⁾ | 3,568 | 139 | 794 | 323 | 2,312 | 4 | 22 | 9 | 65 |
| 2002 | 2,470 | 218 | 598 | 217 | 1,436 | 9 | 24 | 9 | 58 |

1. Revised figures.

2. Includes appeals relating to acquittals.

3. Includes appeals against conviction and sentence.

One of the main reasons for the relatively large overall drop in the number of appeals concluded in 2002 was a judicial direction in the course of the year that priority be given to dealing with solemn conviction appeals. The amount of court time allocated for dealing with that class of appeal was increased accordingly, from 19 court weeks in 2001 to 26 in 2002. As there is one appeal Court per week for criminal matters, the knock-on effect was a reduced capacity - by the equivalent of around 630 sentence appeals - and delays in dealing with other types of criminal appeal business.

The priority given to dealing with solemn conviction appeals, combined with the demands of trial and civil court business on judicial time, efforts to conclude long standing appeal cases and an increase in the number of appeals against conviction in the High Court (which generally take much longer to deal with than other types of appeal), contributed to a substantial increase in the time taken to deal with criminal appeals. Between 2001 and 2002, the average duration of all completed appeals increased by 50 per cent to 122 days. Increases were recorded for all classes of appeal: the average duration of solemn conviction appeals increased by 19% (to 357 days), continuing the upward trend recorded since 1997; there was a marked increase (of 153 per cent to 316 days) in the average duration of summary conviction appeals; and the average duration of solemn and summary sentence only appeals both increased, by 6 per cent (to 119 days) and 14 per cent (to 58 days) respectively. Increases were also recorded in the time taken to deal with appeals from all types of courts of first instance: High Court (up 27 per cent to 221 days), Sheriff Solemn (up 16 per cent to 133 days), Sheriff Summary (up 55 per cent to 91 days) and District and Stipendiary Magistrates (up 37 per cent to 102 days).

The majority (66 per cent) of appeals concluded in 2002 were still completed within 3 months; however, this was lower than the corresponding proportion in 2001 (77 per cent). Thirty-five per cent of solemn conviction appeals and 41 per cent of summary conviction appeals concluded in 2002 took a year or more to complete. The proportions for solemn and summary sentence only appeals which took this long were much lower, at 3 per cent and 2 per cent respectively.

Chart 1
Criminal appeals by type of appeal and average duration, 1992-2002

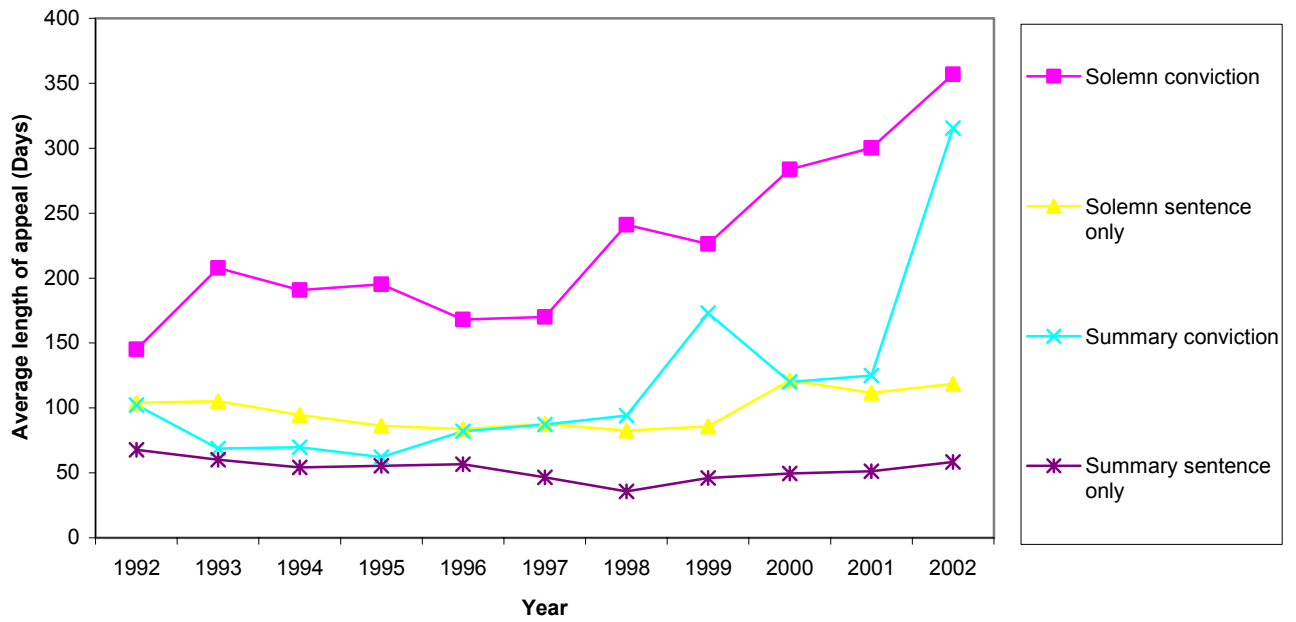
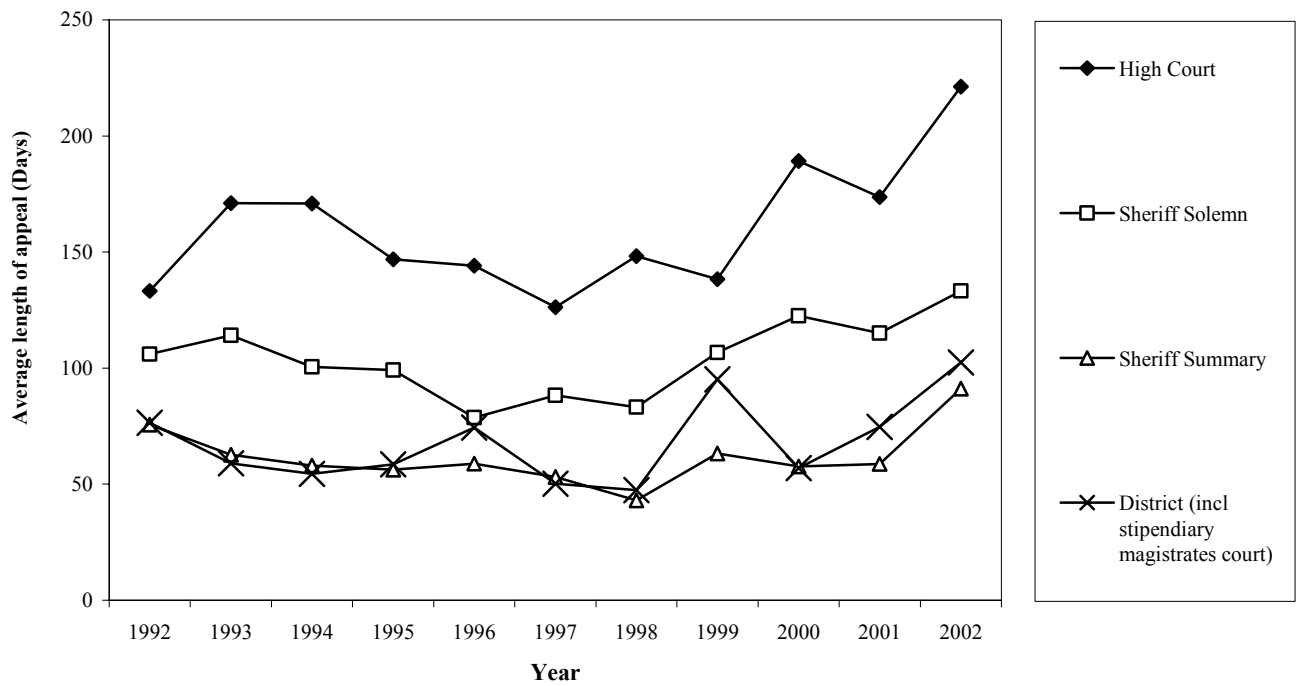


Chart 2
Criminal appeals, by type of court of first instance and average duration, 1992-2002



Of the appeals concluded in 2002, 9 per cent related to conviction alone, 82 per cent to sentence alone and 8 per cent to both conviction and sentence. A very small number of appeals related to the leniency of a sentence or an acquittal. The majority (72 per cent) of appeals involved persons who had been given a custodial sentence while a further 13 per cent related to persons who had been fined.

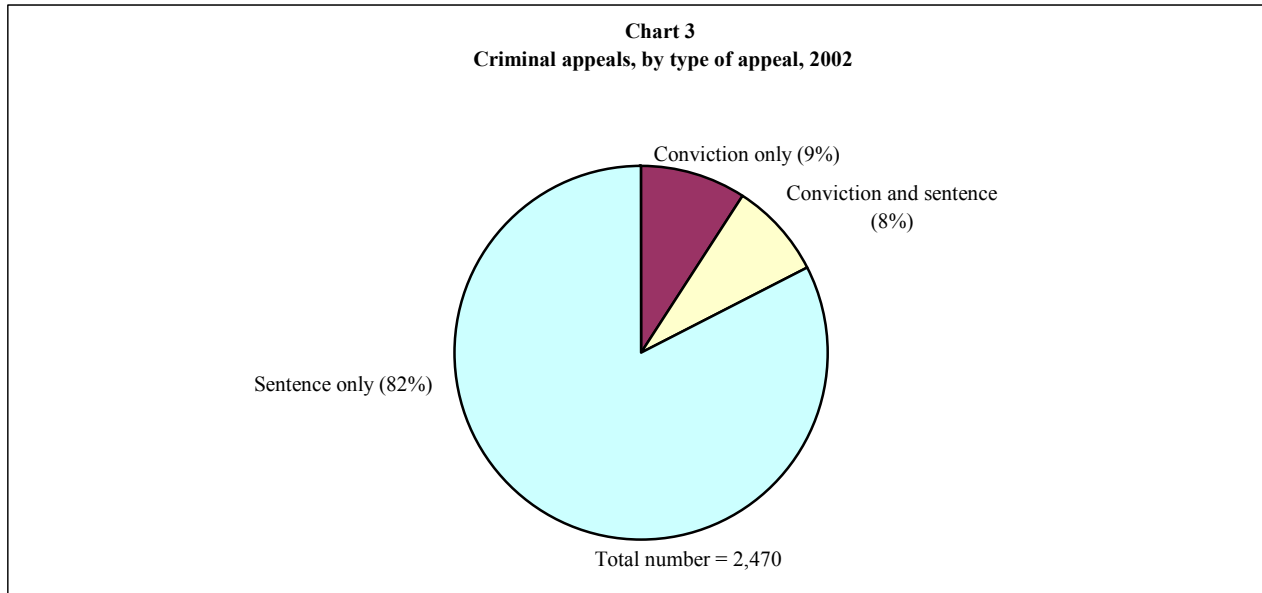


Table 3 Criminal appeals, by main crime and disposal under appeal, 2002

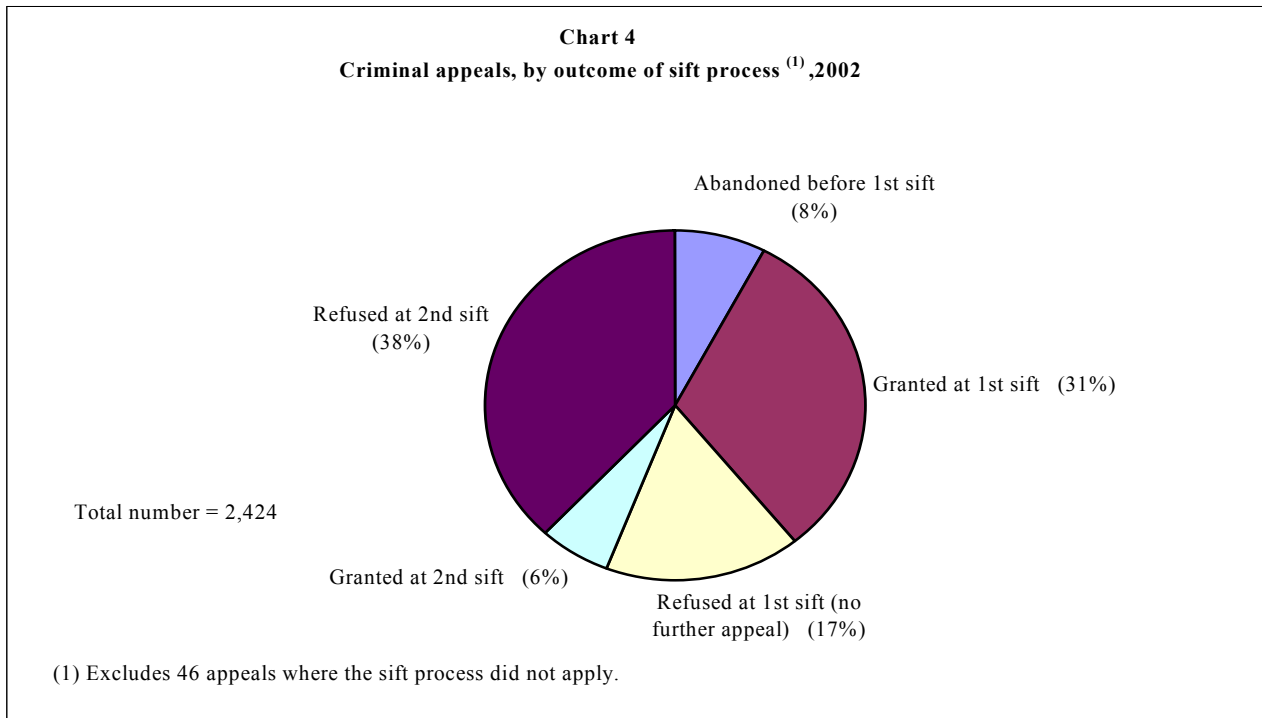
| Disposal before appeal | All crimes and offences | Violence | Indecency | Dishonesty | Fire-raising & vandalism | Other crime | Misc. offences | Motor vehicle offences |
|---|-------------------------|------------|-----------|------------|--------------------------|-------------|----------------|------------------------|
| Number | | | | | | | | |
| Total | 2,470 | 421 | 91 | 538 | 45 | 420 | 428 | 527 |
| Custody | 1,876 | 407 | 82 | 487 | 31 | 364 | 276 | 229 |
| Up to 6 months | 1,033 | 38 | 6 | 359 | 17 | 207 | 242 | 164 |
| >6 months to 2 years | 404 | 128 | 18 | 101 | 10 | 54 | 28 | 65 |
| > 2 to < 4 years | 88 | 36 | 4 | 19 | 4 | 23 | 2 | - |
| 4 years & over (including life) ⁽¹⁾ | 351 | 205 | 54 | 8 | - | 80 | 4 | - |
| Fine | 317 | 1 | 3 | 25 | 6 | 30 | 105 | 147 |
| Driving disqualification | 138 | - | - | 2 | 1 | - | 1 | 134 |
| Other | 139 | 13 | 6 | 24 | 7 | 26 | 46 | 17 |
| Percentage of persons with a charge proved⁽²⁾ | | | | | | | | |
| Total | <i>2</i> | <i>22</i> | <i>15</i> | <i>3</i> | <i>1</i> | <i>3</i> | <i>1</i> | <i>1</i> |
| Custody | <i>11</i> | <i>38</i> | <i>42</i> | <i>7</i> | <i>10</i> | <i>14</i> | <i>6</i> | <i>17</i> |
| Up to 6 months | <i>8</i> | <i>17</i> | <i>14</i> | <i>6</i> | <i>6</i> | <i>10</i> | <i>6</i> | <i>15</i> |
| >6 months to 2 years | <i>20</i> | <i>27</i> | <i>36</i> | <i>18</i> | <i>67</i> | <i>17</i> | <i>10</i> | <i>22</i> |
| > 2 to 4 years | <i>22</i> | <i>26</i> | <i>12</i> | <i>22</i> | <i>40</i> | <i>23</i> | <i>9</i> | <i>-</i> |
| 4 years & over (including life) ⁽¹⁾ | <i>76</i> | <i>85</i> | <i>76</i> | <i>100</i> | <i>-</i> | <i>60</i> | <i>100</i> | <i>-</i> |
| Fine | <i>*</i> | <i>1</i> | <i>2</i> | <i>*</i> | <i>*</i> | <i>*</i> | <i>1</i> | <i>*</i> |
| Driving disqualification | <i>1</i> | <i>-</i> | <i>-</i> | <i>*</i> | <i>5</i> | <i>-</i> | <i>1</i> | <i>1</i> |
| Other | <i>*</i> | <i>2</i> | <i>3</i> | <i>*</i> | <i>1</i> | <i>1</i> | <i>*</i> | <i>1</i> |

- Nil * Less than 0.5

1. Includes 61 appeals by people convicted of murder who were appealing against the effective start date of their life sentence.

2. Percentages based on the number of persons with a charge proved in 2001.

The total of 2,470 completed appeals in 2002 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 (11 per cent) than for fines or other types of sentence (1 per cent). This proportion also tended to increase with custodial sentence length: it was 8 per cent for sentences of up to 6 months compared to 76 per cent for cases involving sentences of 4 years and over. (Excluding the 61 appeals by persons convicted of murder who had appealed against the effective start date of their life sentence, the latter figure falls to 63 per cent).



Nearly all (98 per cent) of the 2,470 appeals completed in 2002 involved the sift process. In 37 per cent of these cases, leave to appeal was granted at the first or second sift stage, with this proportion being slightly higher for appeals in solemn cases (42 per cent) than for summary cases (35 per cent).

Of the total number of appeals completed in 2002, 63 per cent were refused at the sift stage or abandoned, while a further 18 per cent were dismissed. The remainder comprised appeals which resulted in the quashing of the original conviction (3 per cent) or a reduction in the original sentence (15 per cent). A small number of appeals resulted in an increase in the original sentence imposed. Seven per cent of the 218 completed solemn conviction appeals resulted in the conviction being quashed, while a further 6 per cent resulted in the conviction being upheld but a reduction in sentence. The corresponding proportions for the 217 completed summary conviction appeals were 25 per cent and 2 per cent respectively. The proportion of the 598 completed solemn sentence only appeals which resulted in a reduction in sentence was 19 per cent; the corresponding figure for the 1,436 completed summary sentence only appeals was 17 per cent.

In the 92 successful appeals against custodial sentence in 2002, the average reduction in sentence length was 28 per cent. Successful appeals against a fine (35 cases) resulted in an average reduction of 58 per cent in the amount of fine.

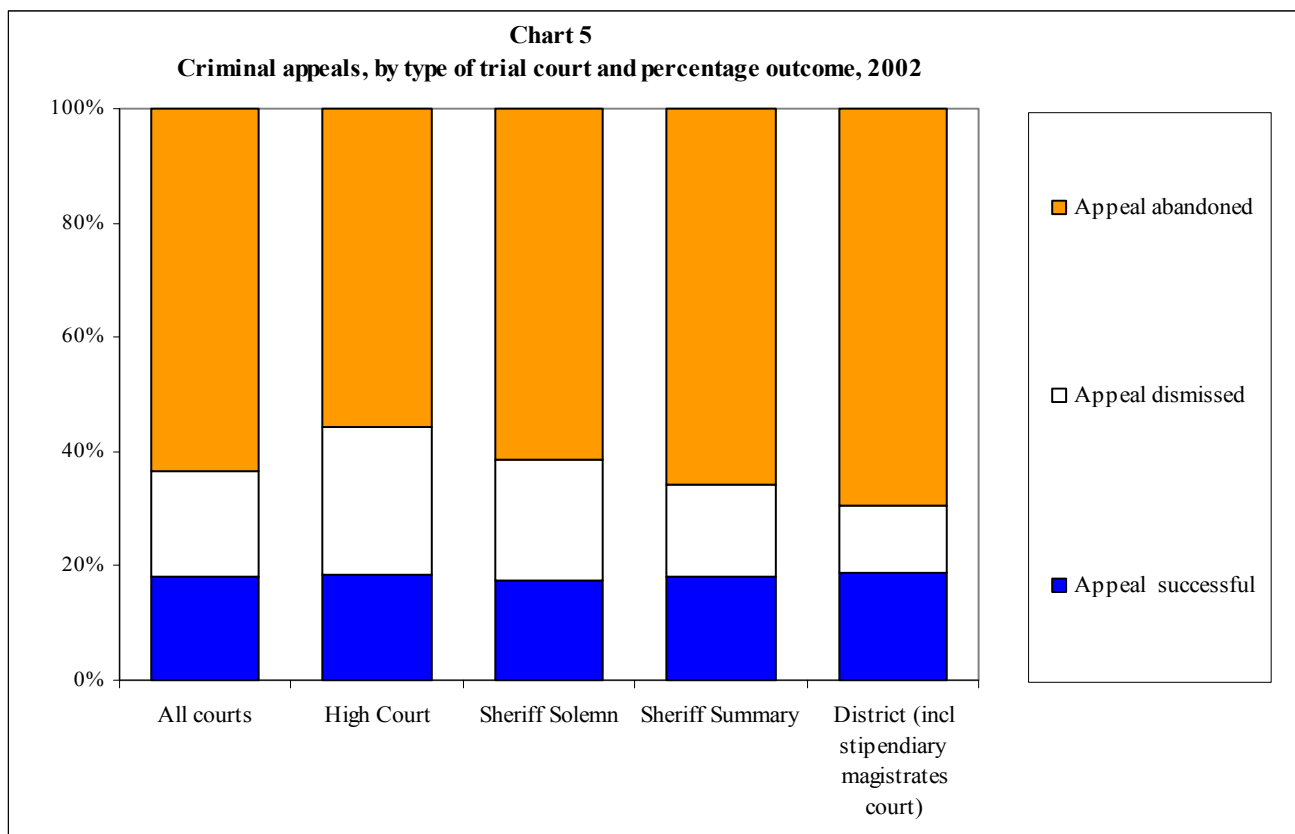


Table 4 Criminal appeals, by outcome, 1992-2002

| Year | Number | | | | | Percentage of total | | | |
|---------------------|----------------------|--------------------|------------------|-----------|--------------------------|---------------------|------------------|-----------|--------------------------|
| | Total ⁽¹⁾ | Conviction quashed | Sentence reduced | Dismissed | Abandoned ⁽²⁾ | Conviction quashed | Sentence reduced | Dismissed | Abandoned ⁽²⁾ |
| 1992 | 3,474 | 101 | 356 | 1,523 | 1,464 | 3 | 10 | 44 | 42 |
| 1993 | 3,652 | 112 | 396 | 1,600 | 1,507 | 3 | 11 | 44 | 41 |
| 1994 | 3,407 | 125 | 314 | 1,425 | 1,525 | 4 | 9 | 42 | 45 |
| 1995 | 3,415 | 105 | 315 | 1,372 | 1,604 | 3 | 9 | 40 | 47 |
| 1996 | 2,946 | 59 | 259 | 660 | 1,948 | 2 | 9 | 22 | 66 |
| 1997 | 3,270 | 72 | 505 | 747 | 1,933 | 2 | 15 | 23 | 59 |
| 1998 | 2,986 | 32 | 408 | 747 | 1,789 | 1 | 14 | 25 | 60 |
| 1999 ⁽³⁾ | 3,196 | 68 | 327 | 618 | 2,165 | 2 | 10 | 19 | 68 |
| 2000 ⁽³⁾ | 3,198 | 54 | 343 | 650 | 2,145 | 2 | 11 | 20 | 67 |
| 2001 ⁽³⁾ | 3,568 | 62 | 397 | 706 | 2,399 | 2 | 11 | 20 | 67 |
| 2002 | 2,470 | 70 | 372 | 456 | 1,568 | 3 | 15 | 18 | 63 |

1. Includes a small number of other sustained appeals.

2. Includes, from September 1995 onwards, appeals refused at sift stage.

3. Revised figures.

Table 5 Criminal appeals, by type of appeal and outcome, 1992-2002

| Year | Solemn Conviction ⁽¹⁾ | Solemn Sentence only | Summary Conviction ⁽¹⁾ | Summary Sentence only |
|------|---|----------------------|-----------------------------------|-----------------------|
| | % resulting in conviction quashed: | | | |
| 1992 | 5 | - | 17 | - |
| 1993 | 5 | - | 17 | - |
| 1994 | 5 | - | 21 | - |
| 1995 | 6 | - | 20 | - |
| 1996 | 4 | - | 14 | - |
| 1997 | 10 | - | 16 | - |
| 1998 | 3 | - | 9 | - |
| 1999 | 7 | - | 13 | - |
| 2000 | 11 | - | 13 | - |
| 2001 | 8 | - | 15 | - |
| 2002 | 7 | - | 25 | - |
| | % resulting in sentence reduced: | | | |
| 1992 | 5 | 16 | 3 | 11 |
| 1993 | 4 | 10 | 4 | 14 |
| 1994 | 6 | 14 | 2 | 10 |
| 1995 | 6 | 13 | 2 | 10 |
| 1996 | 7 | 13 | 2 | 9 |
| 1997 | 4 | 20 | 1 | 17 |
| 1998 | 5 | 25 | 5 | 13 |
| 1999 | 4 | 18 | 2 | 11 |
| 2000 | 4 | 21 | 3 | 9 |
| 2001 | 3 | 17 | 2 | 11 |
| 2002 | 6 | 19 | 2 | 17 |
| | % resulting in other appeal sustained⁽²⁾: | | | |
| 1992 | 2 | 0 | 1 | 0 |
| 1993 | 2 | 0 | 1 | 0 |
| 1994 | 2 | 0 | 0 | 0 |
| 1995 | 2 | 0 | 1 | 0 |
| 1996 | 3 | 1 | 1 | 0 |
| 1997 | 4 | 0 | 1 | 0 |
| 1998 | 7 | 0 | 1 | 0 |
| 1999 | 4 | 1 | 0 | 0 |
| 2000 | 2 | 0 | 0 | 0 |
| 2001 | 2 | 0 | 0 | 0 |
| 2002 | 0 | 1 | 0 | 0 |

1. Includes appeals against conviction and sentence.

2. Includes appeals where the conviction was quashed and a retrial ordered, or where the original sentence was increased.

NOTES

1. All findings of the court of first instance are subject to appeal to the High Court of Justiciary, sitting as an appeal court. Convicted offenders may appeal against their conviction; against sentence; or against both conviction and sentence. The right to appeal sentence alone in summary cases has been available since 1981, following changes introduced by the Criminal Justice (Scotland) Act 1980. From late September 1995 leave to appeal must, in nearly all cases, be granted by a High Court judge; refusal of leave may be appealed to the High Court. The Lord Advocate has a right to refer a case resulting in acquittal to the High Court for a decision on a point of law (though this does not affect the acquittal), while the Crown also has a right of appeal 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 suspected wrongful conviction and/or sentence 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 that a reference should be made, it may refer a case to the High Court. 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 on statistical returns made to the Scottish Executive Justice Department. They reflect the information as held at 15 October 2003. Some minor revisions to data published previously for 1999 to 2001 have been incorporated; any further revisions to the data will be reported in future Statistics Releases.

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