

Glossary

Term	Definition
Accused	A person charged with committing a crime.
Advocate / Solicitor Advocate	A lawyer who has had extra training so that they can appear in all the courts in Scotland. Lawyers who are not advocates are not qualified to appear in the High Court.
Advocate Depute	A lawyer who prosecutes cases and who is appointed by the Lord Advocate.
Appeal	A challenge to a conviction and/or sentence.
Appellant	A person challenging a conviction and/or sentence.
Charge	The crime that the accused is believed to have committed.
Civil case	Court proceedings that are not criminal prosecutions.
Common law	A system of laws based on customs and court decisions rather than on written laws made by parliament. Offences which are created through written laws are known as 'statutory offences'.
Complainant	The alleged victim in a criminal charge in England and Wales.
Complainer	The alleged victim in a criminal charge in Scotland.
Contempt of court	Behaviour that interferes with court proceedings or possible outcome of a court case.
Conviction	When a person pleads guilty or is found guilty of a crime.
Cross-examination	When a witness is questioned in court by other lawyers after giving their evidence-in-chief. For example, when a Crown witness is questioned by the lawyer representing the accused.
Crown	Another name for the Crown Office and Procurator Fiscal Service.
Crown Office and Procurator Fiscal Service (COPFS)	The organisation responsible for the prosecution of crime and investigation of deaths in Scotland.
Defence (lawyer/counsel)	The lawyer who represents the accused.
Diet	A court hearing.
Evidence	What a witness says when they are asked questions in court. (Evidence can also be physical items that are used in the case, including documents, clothing, and photographs, but references to evidence in this consultation relate to what is said in court).

Term	Definition
Evidence by commissioner	When a witness gives their evidence in advance of the trial. This is filmed and then played during the trial.
Evidence-in-chief	When a witness is questioned in court by the person who has asked them to come to court. This is when a complainer or Crown witness is questioned by the prosecutor.
First diet	A hearing in a Sheriff Court case when the Crown and defence lawyers tell the court if they are ready for the case to go to trial.
Floating trial	A High Court case where the date and location of the trial can vary.
High Court	The supreme criminal court of Scotland, where the most serious criminal cases are heard.
Indictment	A document listing the charges against the accused.
Judge	The legal expert who is in charge of court proceedings.
Judiciary	The collective name for the judges and panel members who sit in the courts of Scotland and make decisions about criminal and civil cases.
Justice of the peace	The judge who is charge of court proceedings for less serious crimes. They are not legally qualified but sit with a legal advisor.
Jurisdiction	The power a court has to hear cases and decide what will happen in the case.
Lord Advocate	The senior Scottish Law Officer who is the head the Crown Office and Procurator Fiscal Service. The Lord Advocate is also a Minister in the Scottish Government.
Lord Justice Clerk	The second most senior judge in Scotland.
Lord Justice General	The most senior judge in Scotland, who holds this title and also the title of Lord President. The title of Lord Justice General relates to criminal business and the title of Lord President relates to civil business.
Lord President	The most senior judge in Scotland, who holds this title and also the title of Lord Justice General. The title of Lord Justice General relates to criminal business and the title of Lord President relates to civil business.
Legislation / statute	The laws passed by the Scottish Parliament and the UK Parliament.
Offender	A person who has been convicted of committing a crime.

Term	Definition
Open justice	A principle that requires criminal proceedings to be conducted in a transparent way and allow public scrutiny.
Perjury	A crime that is committed if a person deliberately lies when giving evidence in court.
Person centred	When the person is placed at the centre of the service, their needs are understood and they can participate effectively in proceedings.
Practice note	A document issued by a member of the judiciary which sets out a practice that a court is going to take or inform practitioners such as lawyers about a practice that the court expects them to take.
Preliminary hearing	A hearing in a High Court case when the Crown and defence lawyers tell the court if they are ready for the case to go to trial.
Prior statement	A witness's account of their evidence which is given in advance of a trial. This is usually in a written witness statement or in a recorded interview.
Procurator Fiscal	A lawyer who works for the Crown Office and Procurator Fiscal Service.
Prosecutor	A lawyer who presents the case against the accused.
Scottish Courts and Tribunals Service (SCTS)	An independent body that provides administrative support to the Scottish courts, judges and tribunals.
Sheriff	The judge who is charge of court proceedings in the Sheriff Court.
Sheriff principal	The head of each of Scotland's six sheriffdoms (areas) who are responsible for managing the business in the sheriff courts in their own area.
Solemn proceedings / procedure	Court proceedings for more serious offences. In Scotland, solemn cases are heard by a judge and jury.
Solicitor	Another name for a lawyer.
Summary proceedings / procedure	Court proceedings for less serious offences. In Scotland, summary proceedings are heard by sheriff or justice of the peace sitting without a jury.
Statutory offence	Offences which are created through written laws.
Survivor	Can be used instead of 'victim'. The term 'survivor' is commonly used when speaking about victims of sexual offences.

Term	Definition
Trauma informed	Providing a service that recognises the impact that trauma can have on a person and that puts in place measures to avoid re-traumatisation.
Trial / Trial diet	The proceedings that take place in court if an accused pleads not guilty. The court hears evidence about the alleged crime and at the end of the trial a judge or jury will decide if the prosecutor has proven the guilt of the accused or not.
Victim	A person who has been directly affected by a crime.
Waiving anonymity	When complainers in sexual offence cases have a legal right to anonymity and they choose not to use this right.
Whole system approach	An approach where organisations work together to make improvements to the justice system as a whole.