



Higher National Unit specification

General information for centres

Unit title: Scottish Criminal Procedure

Unit code: F1A6 34

Unit purpose: This Unit is designed to provide the candidate with knowledge, understanding and the practical skills required in the process of Scottish Criminal Procedure in relation to both summary and solemn proceedings and the role played by precognition within these procedures. It will enable candidates to differentiate between summary and solemn procedure and understand its application in the criminal process.

On completion of the Unit the candidate should be able to:

- 1 Explain the roles and functions of the agencies involved in the prosecution and defence of accused persons under summary and solemn procedure
- 2 Demonstrate the practical elements of summary procedure within different courts from preparation of the Complaint to commence Court proceedings
- 3 Demonstrate the practical elements of solemn procedure from full first hearing to disposal of appeal.

Credit points and level: 1 HN credit at SCQF level 7 (8 SCQF credit points at SCQF level 7*)

**SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

Recommended prior knowledge and skills: Access to this Unit is at the discretion of the centre. However candidates would normally be expected to have competence in Communication at SCQF level 6 or equivalent. It is expected that candidates will have completed Unit D32B 12 *Scottish Legal Framework* and Unit F1B4 34 *Scottish Criminal Law*.

Core Skills: There are opportunities to develop the Core Skill of Communication at SCQF level 6 in this Unit, although there is no automatic certification of Core Skills or Core Skills components.

Context for delivery: If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes. The Assessment Support Pack (ASP) for this unit provides assessment and marking guidelines that exemplify the national standard for achievement. It is a valid, reliable and practicable assessment. Centres wishing to develop their own assessments should refer to the ASP to ensure a comparable standard. A list of existing ASPs is available to download from SQA's website (<http://www.sqa.org.uk/sqa/46233.2769.html>).

General information for centres (cont)

Assessment: The Outcomes in this Unit may be assessed by an integrated assessment sampling knowledge for Outcomes 1, 2 and 3 ; the practical procedures for Outcome 3 will be assessed by means of one practical task; involving the taking of a precognition.

Centres will have discretion in designing assessments so that they can assess outcomes individually or combine outcomes where they consider it appropriate.

Higher National Unit specification: statement of standards

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The sections of the Unit stating the Outcomes, knowledge and/or skills, and Evidence Requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the knowledge and/or skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Explain the roles and functions of the agencies involved in the prosecution and defence of accused persons under summary and solemn procedure

Knowledge and/or skills

- ◆ The agencies involved in the first stages of the prosecution of crime within Scotland — Customs and Excise Officers, Health and Safety Officers, Private Citizens, the Police Service and its powers of detention, arrest, search and questioning
- ◆ The office of the Procurator Fiscal — namely receiving reports, framing charges and initiating prosecutions
- ◆ The defence agent in taking instructions; providing representation; making application for bail and legal aid applications
- ◆ Police Powers of search, detention, taking samples and arrest

Evidence Requirements

Candidates will be required to produce evidence of knowledge of the roles and functions of the agencies involved in the prosecution and defence of accused persons under summary and solemn procedure. Evidence will be generated under controlled, open-book conditions in response to restricted response questions and sampling of knowledge is permitted.

Two bullet points from the Knowledge and Skills should be assessed. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Assessment guidelines

Assessment of the knowledge for this Outcome may be combined into a single assessment along with sampling of knowledge for Outcomes 2 and 3.

Higher National Unit specification: statement of standards (cont)

Unit title: Scottish Criminal Procedure

Outcome 2

Demonstrate the practical elements of summary procedure within different courts from preparation of the Complaint to Commence Court Proceedings.

Knowledge and/or skills

- ◆ The role and functions of:
 - the District Courts and the Sheriff Courts
 - a Justice of the Peace
 - a Stipendiary Magistrate
 - Sheriffs
- ◆ Procedure at Summary trial;
- ◆ Sentences and disposals available, including innovations in sentencing;
- ◆ Appeals by stated case and Bill of suspension

Evidence Requirements

Candidates will be required to produce evidence to show that they can follow the appropriate procedures and complete the relevant documentation in the prosecution of accused persons under summary procedure.

Two bullet points from the Knowledge and Skills should be assessed. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Evidence of knowledge will be generated under controlled, open-book conditions.

Assessment guidelines

It may be possible to undertake the sampling of the knowledge and skills for this Outcome at the same time as for Outcomes 1 and 3. Restricted response questions could be used when sampling knowledge.

Higher National Unit specification: statement of standards (cont)

Unit title: Scottish Criminal Procedure

Outcome 3

Demonstrate the practical elements of solemn procedure from full First hearing to disposal of appeal

Knowledge and/or skills

- ◆ Taking precognitions
- ◆ Solemn trial procedure
- ◆ Appearance on petition; pleas and declarations; committed, bail and legal aid
- ◆ Appeal Procedure
- ◆ A Lord Advocates reference; reference to the Court of Criminal Appeal by the Scottish Criminal Cases Review Commission and nobile officium
- ◆ Time Limits

Evidence Requirements

Candidates will need to provide written/oral evidence of knowledge, which may be sampled and must show that they can:

- 1 Clearly and accurately explain solemn trial procedure from first hearing to disposal of appeal.
- 2 Clearly and accurately explain the sentences that may be imposed and the procedures concerning sentencing relevant to summary procedure.

In addition, candidates will provide written evidence of:

- 3 One precognition which is sufficiently clear to enable the preparation of one case.

Two bullet points from the Knowledge and Skills should be assessed. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Assessment could be carried out in controlled open-book conditions.

Assessment guidelines

The above evidence could be generated by candidates from a given scenario(s) which could be in the form of case studies to demonstrate their ability to apply their knowledge, understanding and awareness of recent legislation to a variety of different situations. Textbooks, class handouts and forms will be permitted where relevant. The assessments for all three Outcomes may be completed at one sitting with a maximum duration of 2.5 hours. Supervision of the assessment and any relevant reassessment should take place under controlled conditions.

Should there be any ambiguity regarding a candidates' response to the assessment, or authenticity of the candidates response, oral questioning may be utilised to eliminate any doubt as to the candidates understanding of the relevant legal principle. The lecturer should note questions and the candidates' responses.

Administrative Information

Unit code:	F1A6 34
Unit title:	Scottish Criminal Procedure
Superclass category:	EC
Original date of publication:	March 2007
Version:	03 (September 2009)

History of Changes:

Version	Description of change	Date
02	Minor changes to Assessment guidance and Evidence Requirements to ensure consistency with Outcomes for the Unit.	27/3/09
03	Assessment guidelines amended to allow centres greater discretion in designing assessments.	26/08/09
	Wording revised relating to guidance for candidates with additional support needs.	

Source: SQA

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Higher National Unit specification: support notes

Unit title: Scottish Criminal Procedure

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

Guidance on the content and context for this Unit

On completion of this Unit, candidates should have gained a practical insight into Scottish Criminal Procedure in relation to both summary and solemn proceedings and the preparation of relevant documents. It would be beneficial if candidates had some legal knowledge.

The suggested allocation of teaching time when delivering this Unit is as follows:

- ◆ Outcome 2 — 30%
- ◆ Outcome 3 — 40%
- ◆ Outcome 1 — 30%

This Unit is specifically geared towards procedures within Scottish Criminal Courts. Candidates will be provided with an overview of the agencies involved in the first stages of the prosecution and the defence of accused persons under summary and solemn procedure; the practical elements of summary and solemn procedure from full committal and pleading diet, respectively, until the delivery of a verdict and finally, the system of sentencing and appeals relevant to both summary and solemn procedure.

Guidance on the delivery and assessment of this Unit

It is recommended that candidates follow the sequence of the Outcomes which will enable them to follow summary and solemn procedures from beginning to end and to understand the role of different parties. Candidates should be able to complete documentation and explain timescale in these procedures and have a clear understanding of their relevance in criminal cases. Their knowledge of Scots criminal law and the Scottish legal framework should be transferable to these procedures.

Wherever possible, Centres should adopt a proactive approach towards the delivery of this Unit by utilising press and media reports which illustrate the topics under consideration. Centres should also be encouraged to use these articles and materials as discussion topics within the classroom environment. Candidates should be made familiar with current law journals and both current and impending relevant legislation. Candidates will be provided with documentation used in procedures and should be made aware of its application in legal practice. It is essential that all the stages of the procedures are covered.

Candidates will be expected to apply procedures in the context of restricted response questions and case studies, ideally in one assessment event.

Higher National Unit specification: support notes (cont)

Unit title: Scottish Criminal Procedure

Opportunities for developing Core Skills

Communication skills are not discretely assessed but candidates have to research, analyse and evaluate complex information relating to a range of Criminal Procedures, and they must present a formal, written or oral report which is accurate and to a professional standard. They have to complete the necessary documentation to obtain advice and assistance through criminal Legal Aid in Scotland. Integral to achievement will be the ability to express complex ideas and information accurately and concisely, using terminology and style appropriate for purpose and correct spelling and punctuation. Some exemplar materials and appropriate software packages, could be made available to support technical accuracy and effective presentation. If evidence is presented orally candidates should be encouraged to:

- ◆ signpost key points
- ◆ select and produce support materials if appropriate
- ◆ use effective non-verbal communication techniques, such as eye contact and interested expression
- ◆ use pace and voice projection for impact
- ◆ respond to questions confidently and in a way that progresses communication

Open learning

This Unit is suitable for open and distance learning delivery. The assessment strategy and guidelines described in this specification must still be applied if this method of delivery is chosen.

Disabled candidates and/or those with additional support needs

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering whether any reasonable adjustments may be required. Further advice can be found on our website www.sqa.org.uk/assessmentarrangements

General information for candidates

Unit title: Scottish Criminal Procedure

This Unit will give you knowledge, understanding and practical skills in relation to both the process of summary and solemn trials and the recognition and preparation of relevant documents. The emphasis is on who does what, when they do it and how it is done. You will appreciate that the process of justice may seem lengthy, even if conducted within time restraints, but this is the foundation of a fair system for both the prosecutor and the defence.

The holistic assessment which you undertake on completion of the Outcomes will be a test of knowledge and understanding of the summary and solemn procedures. You will also be required to demonstrate what you learnt and understood in practical ways with relation to specific cases. This Unit is about procedures and does not concern itself in any way with your deciding innocence or guilt.

On completion of this Unit you will be able to explain the role and function of agencies in Scottish Criminal Procedure, the difference between summary and solemn process and be able to apply knowledge and understanding in a practical way using appropriate documentation.

You will be required to show that you fully understand the following:

Outcome 1

- ◆ The agencies involved in the first stages of the prosecution of crime within Scotland:
 - Customs and Excise Officers,
 - Health and Safety Officers
 - Private Citizens
 - the Police Service and its powers of detention, arrest, search and questioning
- ◆ The office of the Procurator Fiscal – namely receiving reports, framing charges and initiating prosecutions
- ◆ The defence agent in taking instructions; providing representation; making application for bail and legal aid applications
- ◆ Police Powers of search, detention, taking samples and arrest

Outcome 2

- ◆ The role and functions of:- the District Courts and the Sheriff Courts; a Justice of the Peace; a Stipendiary Magistrate and Sheriffs, procedure at Summary trial
- ◆ Sentences and disposals available, including innovations in sentencing
- ◆ Appeals by stated case and Bill of suspension

Outcome 3

- ◆ Taking precognitions
- ◆ Solemn trial procedure
- ◆ Appearance on petition; pleas and declarations; committed, bail and legal aid
- ◆ Appeal Procedure
- ◆ A Lord Advocates reference; reference to the Court of Criminal Appeal by the Scottish Criminal Cases Review Commission and nobile officium
- ◆ Time Limits