
News release

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Rise in serious cases strengthens need for criminal justice reform

The Scottish Government and its partners have made progress in cutting the criminal courts backlog and modernising justice services – but risks remain to delivering much needed reforms.

There were around 13,268 outstanding scheduled trials at the end of 2025/26 – around a third of the number of the backlog’s peak in 2022. However, a rise in complex cases, such as historic sexual abuse and organised crime, has led to high levels of backlogs for courts dealing with the most serious issues. Outstanding scheduled High Court trials rose to 1,002 at the end of 2025/26 – almost three times pre-pandemic levels. This is creating pressures across the system.

The Scottish Government has published a delivery plan for modernising the criminal justice system. There has been mixed progress with projects designed to improve efficiency, with some delayed or still to start. There has also been limited evaluation and public reporting on progress, making it difficult to know what impact projects are having.

The Scottish Government and its partners have improved how they engage with people who use court services. But services users are not actively involved in work to make the system more efficient.

Stephen Boyle, Auditor General for Scotland, said:

"Criminal court business has changed significantly. The overall number of outstanding trials has reduced considerably since 2022. But the rise in serious, resource-intensive cases in recent years is impacting on the High Court backlog and the wider justice system.

"The Scottish Government and its partners have set out how efficiencies will be delivered. But their planned modernisation projects must be supported by more robust delivery arrangements, clarity on the resources required, and effective collaboration."

For further information contact:

Patrick McFall Tel: 07786660171 pmcfall@audit.scot or media@audit.scot

Notes to Editor:

1. Before the pandemic, the Scottish Courts and Tribunals Service (SCTS) estimated that normal operating capacity for the criminal courts was around 20,000 outstanding scheduled trials at any given point due to normal court processes. The term backlog is a term used to refer to the number above normal operating capacity levels.
2. The report looks at the actual number of outstanding scheduled trials – cases that have been given a court start date but are still waiting to be heard.
3. Audit Scotland has prepared this report for the Auditor General for Scotland. All Audit Scotland reports published since 2000 are available at www.audit.scot
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