

High court of justiciary edinburgh

Navigating the High Court of Justiciary, Edinburgh: A Comprehensive Guide

The High Court of Justiciary in Edinburgh stands as the supreme criminal court in Scotland. Its hallowed halls have witnessed centuries of legal history, shaping Scottish jurisprudence and impacting the lives of countless individuals. Understanding its functions, procedures, and potential impact is crucial for anyone facing criminal charges in Scotland or simply interested in the workings of the Scottish legal system. This comprehensive guide will delve into the intricacies of the High Court of Justiciary, offering a blend of insightful analysis and practical advice.

Understanding the High Court's Role: Unlike many other jurisdictions, Scotland maintains a distinct separation between civil and criminal courts. The High Court of Justiciary solely handles criminal cases, reserving jurisdiction over the most serious offences. These include murder, culpable homicide, rape, robbery, and other significant breaches of the law. It holds exclusive jurisdiction over appeals against convictions and sentences from lower courts, such as the Sheriff Courts. Its unique structure, incorporating both a judge (Lord Justice-General or other judges of the Court of Session) and a jury, reflects a long-standing commitment to the principles of due process and the right to trial by one's peers.

The Court's Procedures and Processes: The processes within the High Court can be complex. Cases typically begin with an indictment, a formal accusation detailing the charges. The accused is then arraigned, pleading guilty or not guilty. If a not-guilty plea is entered, a trial ensues. The prosecution presents its evidence aiming to prove guilt beyond a reasonable doubt, while the defence strives to challenge the prosecution's case and establish reasonable doubt. The jury, composed of 15 jurors, deliberates and delivers a verdict. Sentencing, if a guilty verdict is reached, is determined by the judge, considering the gravity of the offence and the circumstances surrounding it.

Practical Tips for those Involved: Navigating the High Court can be daunting. Here are some crucial practical tips:

- **Seek legal counsel immediately:** Engaging a solicitor experienced in criminal law is paramount. Their expertise will greatly influence the outcome of your case. They can advise on plea options, strategy development, and representation during court proceedings.
- **Understand your rights:** Familiarize yourself with your rights as an accused person. This includes the right to legal representation, the right to remain silent, and the right to a fair trial. Your solicitor will guide you through these rights.
- **Prepare thoroughly for court appearances:** Ensure you understand the charges against you fully and cooperate fully with your legal representative. This includes providing all relevant information and attending all scheduled court appointments punctually.
- **Maintain composure and respect:** The court environment demands decorum. Maintain a respectful attitude towards the judge, jury, and court personnel.
- **Understand the appeal process:** If you're found guilty, understand the grounds for appeal and the timeframe within which an appeal must be lodged. Your solicitor will advise you on the viability of an appeal.

The Significance of the High Court in the Scottish Legal System: Beyond its specific functions, the High Court of Justiciary plays a vital role in upholding the rule of law in Scotland. It sets precedents that shape future criminal jurisprudence and ensures consistency in the application of the law throughout the country. Its decisions contribute to a more just and equitable legal system, safeguarding citizens' rights and protecting public safety. Its influence extends beyond its immediate jurisdiction, contributing to broader legal debates and fostering a deeper understanding of criminal justice principles. The High Court's commitment to fairness, transparency, and due process reinforces public confidence in the Scottish legal system as a whole.

Conclusion: A Legacy of Justice: The High Court of Justiciary stands as a cornerstone of the Scottish legal system. Its history reflects centuries of legal evolution, adapting to the changing needs of society while steadfastly upholding the principles of justice. Understanding its functions, procedures, and impact is vital for ensuring a fair and effective criminal justice system. Its continued dedication to upholding the rule of law remains crucial for maintaining the integrity and effectiveness of the Scottish legal landscape.

Frequently Asked Questions (FAQs): 1. *Where is the High Court of Justiciary located?* The High Court of Justiciary sits primarily in Edinburgh, within the Parliament

House complex. However, it can also sit in other locations throughout Scotland if necessary. 2. **Can I represent myself in the High Court?** While you have the right to represent yourself, it's strongly discouraged, particularly in serious cases. The complexity of High Court proceedings requires specialized legal expertise. 3. **What happens if I can't afford a lawyer?** Legal aid is available in Scotland for those who meet specific financial criteria. Your solicitor can advise you on eligibility and the application process. 4. How long does a High Court case typically last? This varies greatly, depending on the complexity of the case and the amount of evidence presented. It could range from a few days to several weeks or even months in exceptionally complex cases. 5. **What are the common outcomes of a High Court trial?** Possible outcomes include a guilty verdict, leading to sentencing; a not-guilty verdict, resulting in acquittal; or a hung jury, resulting in a retrial. **SEO** High Court of Justiciary, Edinburgh, Scottish criminal law, criminal court Scotland, legal advice Scotland, Scottish legal system, appeal process Scotland, court procedures Scotland, Scottish jurisprudence, Parliament House Edinburgh.

The High Court of Justiciary: A Glimpse into Scotland's Apex of Criminal Justice in Edinburgh

Edinburgh, a city steeped in history and architectural grandeur, is not just a tourist's delight; it's also the heart of Scotland's most significant criminal court. The High Court of Justiciary, located within the historic Parliament House, stands as the supreme criminal court in Scotland. It's where the gravest offenses are tried, and where the final word on criminal law in Scotland often originates. For anyone interested in the intricacies of the Scottish legal system, the criminal justice process, or the imposing presence of justice in our society, understanding the High Court of Justiciary in Edinburgh is essential.

What is the High Court of Justiciary?

At its core, the High Court of Justiciary is the Scottish equivalent of the Crown Court in England and Wales. It deals with the most serious criminal cases, including murder, rape, serious assaults, and complex financial crimes. It also has an appellate function, hearing appeals against decisions made by lower courts, such as the Sheriff Courts. This dual role makes it a pivotal institution in maintaining the rule of law and ensuring fairness in the criminal justice system across Scotland.

The Setting: Parliament House, Edinburgh

The location of the High Court of Justiciary in Edinburgh is no accident. Parliament House, a magnificent Baroque building, was originally built for the Scottish Parliament. Following the Acts of Union in 1707, it was repurposed to house the Court of Session and the High Court of Justiciary. Standing adjacent to St Giles' Cathedral on the Royal Mile, its imposing facade and grand interiors evoke a sense of gravitas and historical weight that perfectly complements the solemnity of the proceedings held within. Walking through its hallowed halls, one can almost feel the echoes of centuries of legal battles and decisions that have shaped Scottish society.

A Brief History of Scottish Criminal Justice

To truly appreciate the High Court of Justiciary, it's helpful to understand its historical context. Scotland has a distinct legal tradition, with its own common law and a legal system that has evolved independently from England's. The High Court of Justiciary, in its various forms, has been the central authority for criminal justice for centuries, tracing its roots back to the medieval period. Its establishment and evolution reflect Scotland's journey through different political and social landscapes, always with the aim of delivering justice and maintaining order.

The Workings of the High Court in Edinburgh

The High Court of Justiciary in Edinburgh operates primarily as a trial court for serious criminal offenses. Cases are heard by a single judge, known as a Lord Commissioner of Justiciary, or by a bench of three judges for more complex or sensitive matters. The jury system is a cornerstone of High Court trials, with juries of 15 drawn from the public to decide on guilt or innocence.

Jury Trials: The Heart of the Process

The jury trial is a fundamental aspect of the High Court experience. It's where the evidence is presented by the prosecution (the Crown) and the defense, and where the jury deliberates to reach a verdict. The process is meticulously managed, ensuring that both the accused and the victim's rights are respected. The drama of a jury trial, with its cross-examinations, legal arguments, and the eventual verdict, is often played out within the imposing courtrooms of Parliament House.

Appeals: Seeking Justice on Review

Beyond its trial function, the High Court of Justiciary in Edinburgh also serves as Scotland's highest court of criminal appeal. If a person is convicted and believes there was a legal error in their trial, they can appeal to the High Court. These appeals are typically heard by three judges, who review the trial proceedings and the legal arguments presented. In some instances, particularly important cases, appeals can even progress to the UK Supreme Court.

Key Roles Within the High Court

Several key individuals and bodies are integral to the functioning of the High Court of Justiciary in Edinburgh: * **Lord Justice General and Lord Justice Clerk:** These are the senior judges of the High Court, overseeing its operations. * **Lords Commissioners of Justiciary:** These are the judges who preside over trials and hear appeals. * **The Crown Office and Procurator Fiscal Service:** This is the prosecution service in Scotland, responsible for investigating crimes and bringing cases to court. Procurators Fiscal are the prosecutors who represent the Crown. * **Advocates:** These are barristers in Scotland, the legal professionals who represent parties in the High Court. They wear distinctive wigs and gowns, a tradition that adds to the ceremonial aspect of court proceedings. * **Solicitors:** While advocates typically appear in the High Court, solicitors play a crucial role in preparing cases and providing legal advice. * **Jury Members:** As mentioned, these are ordinary citizens tasked with delivering justice.

Understanding Serious Crimes and Sentencing

The High Court of Justiciary in Edinburgh deals with the most severe crimes imaginable. This includes: * **Homicide:** Murder, culpable homicide. * **Serious Assault:** Including grievous bodily harm and assault to the danger of life. * **Sexual Offenses:** Rape, sexual assault. * **Large-Scale Drug Trafficking:** Offenses involving significant quantities of illegal substances. * **Fraud and Financial Crimes:** Complex cases involving substantial sums of money. * **Terrorism-Related Offenses:** Cases with national security implications. Sentencing in the High Court can range from lengthy prison sentences, including life imprisonment for the most serious crimes, to other penalties such as community payback orders or fines, depending on the nature of the offense and the circumstances of the offender.

The Public's Interaction with the High Court

While the High Court of Justiciary might seem like an exclusive domain of legal professionals, it's also a public institution. Courtrooms are generally open to the public, allowing citizens to observe proceedings and gain a better understanding of the criminal justice system at work. This transparency is vital for public trust and

confidence in the administration of justice.

Attending a Trial

For those curious about observing a High Court trial in Edinburgh, it's important to be aware of certain protocols. Strict rules of conduct apply within the courtroom to ensure order and respect for the proceedings. This includes remaining silent, not interrupting, and not using electronic devices. Information about upcoming trials and their accessibility is usually available through the Scottish Courts and Tribunals Service.

The Role of the Media

The media plays a crucial role in reporting on High Court cases, informing the public about significant legal developments and high-profile trials. However, reporting is subject to strict guidelines to protect the fairness of ongoing proceedings and the privacy of individuals involved.

Challenges and Modernization

Like all institutions, the High Court of Justiciary faces its challenges. These can include managing court backlogs, adapting to technological advancements, and ensuring access to justice for all. The Scottish Courts and Tribunals Service is continuously working on reforms and modernization efforts to improve efficiency and accessibility. This includes embracing digital solutions and streamlining processes, all while upholding the core principles of justice.

The Significance of the High Court of Justiciary for Scotland

The High Court of Justiciary in Edinburgh is more than just a building; it's a vital pillar of Scotland's democracy and legal framework. It represents the state's ultimate authority in criminal matters, ensuring that those who commit serious offenses are held accountable and that justice is delivered fairly. Its historical significance, coupled with its ongoing role in contemporary society, makes it a truly unique and important institution.

Conclusion: A Guardian of Justice

The High Court of Justiciary in Edinburgh stands as a powerful symbol of justice in Scotland. From the solemnity of its courtrooms within Parliament House to the complex legal arguments and life-altering decisions made within its walls, it is a place where the law is interpreted and upheld for the most serious of offenses. For anyone seeking to understand the pinnacle of criminal justice in Scotland, a closer look at the High Court of Justiciary is an essential step. It is a place where the pursuit of truth and fairness is paramount, and where the weight of centuries of legal tradition informs the decisions of today.

Understanding the High Court of Justiciary in Edinburgh

The High Court of Justiciary in Edinburgh stands as the supreme criminal court of Scotland, embodying centuries of legal tradition and judicial excellence. As the highest court for criminal matters in the country, it

plays a pivotal role in upholding justice, interpreting Scottish law, and ensuring accountability across the nation. Located in the heart of Scotland's capital, this historic institution combines deep legal heritage with modern procedural rigor, making it a cornerstone of the Scottish legal system.

Historical Foundations and Legal Significance

Rooted in Scotland's ancient legal customs, the High Court of Justiciary traces its origins to the late medieval period, evolving into a formal institution over centuries. Unlike many appellate courts, it functions both as a trial court and an appeals body, handling serious criminal cases that carry significant societal implications. Its jurisdiction extends to grave offenses such as murder, treason, and major fraud, reflecting its status as the ultimate forum for resolving complex and high-stakes legal disputes. The court's structure mirrors Scotland's distinctive legal framework, rooted in civil law traditions with strong influences from common law principles, resulting in a unique blend that emphasizes thorough examination and equitable judgment.

Within Edinburgh's historic legal landscape, the High Court of Justiciary serves not only as a place of trial but as a symbol of Scotland's enduring commitment to justice. Its presence in the city underscores Edinburgh's role as a center of legal authority and intellectual rigor, attracting scholars, practitioners, and the public alike.

The court's proceedings are conducted in Scots law, preserving linguistic and cultural authenticity while ensuring fairness and transparency in every case. This deep connection between law, history, and place reinforces the court's authority and public trust.

Key Functions and Applications of the Court

At its core, the High Court of Justiciary is responsible for adjudicating criminal cases of the most serious nature. It hears appeals from lower courts and conducts original trials when necessary, applying Scottish statutes and legal precedents with precision. The court's role extends beyond mere adjudication—it actively shapes legal doctrine through its judgments, which often set important precedents influencing future cases across Scotland. Lawyers and judges alike rely on its decisions to interpret criminal liability, procedural fairness, and evidentiary standards in complex scenarios.

Beyond criminal trials, the court oversees significant legal procedures such as the determination of guilt, sentencing, and the review of appeals related to miscarriages of justice. Its docket includes cases involving national security, public corruption, and major civil wrongs, highlighting its broad reach and vital function in maintaining societal order. The court's ability to adapt to evolving legal challenges—such as cybercrime, national terrorism, and financial misconduct—demonstrates its resilience and ongoing

relevance in a rapidly changing world. This adaptability ensures that Scottish law remains responsive to contemporary justice needs while preserving its foundational principles.

Benefits and Broader Impact on Society

The High Court of Justiciary delivers substantial benefits that extend well beyond individual cases. By ensuring rigorous, impartial trials, it safeguards individual rights and reinforces the rule of law, fostering public confidence in the justice system. Its transparent processes and authoritative rulings contribute to legal certainty, enabling businesses, citizens, and institutions to operate within a predictable and fair framework. The court's emphasis on due process and equitable treatment strengthens democratic values and upholds Scotland's reputation for justice tempered with compassion.

Moreover, the court plays a key role in legal education and professional development, serving as a benchmark for training aspiring lawyers and judges. Its judgments are studied in law schools and referenced in academic discourse, promoting a deeper understanding of criminal law and judicial reasoning. The presence of the High Court in Edinburgh also enhances the city's status as a cultural and legal hub, drawing visitors, scholars, and professionals from around the world. This international engagement enriches Scotland's legal community and strengthens cross-border judicial

cooperation.

Future Outlook and Continued Evolution

Looking ahead, the High Court of Justiciary is poised to navigate emerging challenges with continued dedication to excellence and innovation. As digital transformation reshapes legal practice, the court is embracing technological advancements to streamline case management, improve access to justice, and enhance transparency. Efforts to modernize court procedures—such as virtual hearings and digital filing systems—reflect a commitment to efficiency without compromising the integrity of judicial proceedings.

Equally important is the court's ongoing mission to address systemic issues, including disparities in legal representation and the need for greater inclusivity in judicial processes. By promoting diversity among judges and legal staff, and by supporting outreach initiatives, the High Court of Justiciary aims to ensure that justice is accessible and equitable for all. Its future will be defined by a balance of tradition and progress—honoring centuries of legal wisdom while adapting to the evolving expectations of society.

In Edinburgh's storied legal environment, the High Court remains a living institution, deeply rooted in history yet dynamically engaged with the present and future. As Scotland's highest criminal court, it continues to uphold the highest standards of justice,

shaping the landscape of criminal law and inspiring confidence in the rule of law for generations to come.

The High Court of Justiciary, Edinburgh: A Pillar of Scottish Justice

Edinburgh, Scotland's historic capital, is not only a city of ancient castles and cobbled streets but also the seat of its highest criminal court: the High Court of Justiciary. This venerable institution stands as a cornerstone of the Scottish legal system, responsible for the most serious criminal cases and serving as the ultimate appellate court for criminal matters. Its imposing presence on Parliament Square, adjacent to the historic St Giles' Cathedral, is a constant reminder of its significance and the gravity of the justice dispensed within its walls.

For centuries, the High Court of Justiciary has been the ultimate arbiter of criminal law in Scotland. Its judgments shape legal precedent, influence public policy, and ensure the fair administration of justice for all citizens. Understanding the role and significance of this court is crucial to appreciating the intricacies of Scotland's unique legal heritage, which draws from both civil and common law traditions.

A Glimpse into History: The Evolution of Scotland's Supreme Criminal Court

The origins of the High Court of Justiciary can be traced

back to the medieval period, with its formal establishment and codification occurring over centuries. Initially, the court was a peripatetic body, traveling across Scotland to hear cases. However, its permanent home in Edinburgh solidified its central role. The current building, a grand neoclassical structure, was designed by Archibald Elliot and completed in the early 19th century, reflecting the Enlightenment ideals of order and justice that characterized the era. Throughout its history, the High Court has witnessed pivotal moments in Scottish legal and social history, from treason trials to landmark appeals concerning fundamental rights.

The Jurisdiction and Functions of the High Court of Justiciary

The High Court of Justiciary possesses exclusive jurisdiction over the most serious criminal offences in Scotland, including murder, rape, culpable homicide, and significant cases of fraud and terrorism. This means that only the High Court can try individuals accused of these grave crimes. Its powers are extensive, encompassing:

- 1. Sole Trial Court for the Most Serious Crimes: As the apex trial court for Scotland's gravest offences, it ensures that complex and high-stakes cases receive the specialized attention and expertise they require.**
- 2. Appellate Jurisdiction: Beyond its trial role, the High Court serves as the final court of appeal for criminal cases heard in the Sheriff Courts. This appellate**

function is critical for reviewing convictions and sentences, ensuring consistency and fairness across the justice system.

- 3. Supervisory Role: The High Court also has a supervisory role over all lower criminal courts in Scotland, ensuring that legal procedures are followed correctly and that justice is administered impartially.**

Navigating the Courtroom: Procedures and Personnel

The proceedings within the High Court of Justiciary are characterized by a formal and solemn atmosphere. Trials are presided over by experienced judges, known as Lords Commissioners of Justiciary, who are also appointed to the Supreme Court of the United Kingdom. These judges possess extensive legal knowledge and are responsible for ensuring that trials are conducted fairly and in accordance with the law.

Key Personnel within the High Court:

- 1. Lords Commissioners of Justiciary: These are the judges who preside over trials and hear appeals. They are drawn from the senior judiciary of Scotland.**
- 2. Advocates: Scotland's equivalent of barristers, advocates represent parties in the High Court. They are highly trained legal professionals with the right of audience in all Scottish courts.**
- 3. Solicitors: While advocates represent clients in the High Court, solicitors play a crucial role in preparing cases, gathering evidence, and advising clients.**

- 4. Procurators Fiscal:** These are public prosecutors who investigate crimes and decide whether to bring charges. They are central to the criminal justice process in Scotland.
- 5. Jurors:** In solemn criminal trials, a jury of 15 citizens determines the facts of the case. The jury's verdict is a cornerstone of the Scottish justice system.

The process of a High Court trial is rigorous. It typically involves the presentation of evidence by both the prosecution and the defence, the examination and cross-examination of witnesses, and the final summing-up by the judge. The jury then deliberates and delivers a verdict. Appeals can be lodged against convictions or sentences, allowing for judicial review of the trial process.

The Significance of Edinburgh's High Court in the Scottish Legal Landscape

The High Court of Justiciary in Edinburgh is more than just a building; it is a symbol of Scotland's commitment to justice, fairness, and the rule of law. Its continued operation and the pronouncements of its judges have a profound impact on Scottish society.

Impact and Influence:

- 1. Shaping Legal Precedent:** Landmark decisions made by the High Court establish legal precedents that guide lower courts and influence future legal developments.

- 2. Ensuring Access to Justice:** The court plays a vital role in providing a forum for the resolution of the most serious criminal matters, ensuring that victims receive justice and that the accused receive a fair trial.
- 3. Upholding Human Rights:** The High Court is a crucial protector of fundamental human rights within the criminal justice system, ensuring that the state's powers are exercised within legal and ethical boundaries.
- 4. Contributing to Public Trust:** The perceived fairness and impartiality of the High Court are essential for maintaining public trust in the justice system.

The court's location in Edinburgh, the political and legal heart of Scotland, further enhances its significance. It is a place where the nation's most challenging legal questions are debated and decided, contributing to the ongoing evolution of Scottish law.

Recent Developments and Future Considerations

Like any institution, the High Court of Justiciary is not static. It continually adapts to societal changes and evolving legal landscapes. Recent years have seen discussions and reforms aimed at improving efficiency, access to justice, and the use of technology within the court system. The ongoing evolution of criminal procedure, sentencing guidelines, and the impact of new legislation are all areas that continue to shape the work of the High Court.

Looking ahead, the High Court of Justiciary will undoubtedly continue to play a central role in addressing the complex challenges of criminal justice in Scotland. Its commitment to upholding the rule of law, ensuring fairness, and adapting to the demands of a modern society remains paramount. The esteemed traditions of the High Court of Justiciary, Edinburgh, will continue to be a beacon of justice for generations to come.

For those seeking information on specific cases, legal professionals, or the workings of the Scottish legal system, the High Court of Justiciary in Edinburgh remains a vital point of reference. Its historical significance and ongoing relevance make it a subject of enduring interest and importance for anyone concerned with the administration of justice in Scotland.

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Digital reading also supports better organization and information management. Users can categorize files by subject, create folders, and back up content using cloud storage services. This structured approach makes it easier to revisit specific topics or retrieve information when needed. Compared to physical books, digital libraries offer a level of organization that enhances productivity and learning efficiency.

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As technology continues to advance, digital books will remain a central component of modern education and information exchange. The ability to download High Court Of Justiciary Edinburgh reflects an adaptive

approach to learning that aligns with current technological trends. Digital literacy is increasingly important in both academic and professional environments.

In conclusion, downloading High Court Of Justiciary Edinburgh exemplifies the strengths of modern digital learning. It combines accessibility, functionality, affordability, and ethical responsibility into a single, powerful resource. By leveraging reputable platforms and engaging thoughtfully with digital content, users can unlock the full potential of High Court Of Justiciary Edinburgh and continue their journey of personal and professional growth in the digital era.

Questions & Answers About high court of justiciary edinburgh

No	Question	Answer
1	What is the primary role of the High Court of Justiciary in Edinburgh?	The High Court of Justiciary in Edinburgh is Scotland's supreme criminal court. It handles the most serious criminal cases, including murder, rape, and terrorism, and also acts as an appeal court for criminal matters from lower courts.
2	Where exactly is the High Court of Justiciary located in Edinburgh?	The High Court of Justiciary is housed within the Parliament House building, located on Parliament Square, just off the Royal Mile in Edinburgh's Old Town. It's a prominent and historic landmark.
3	Can I attend a trial at the High Court of Justiciary in Edinburgh?	Yes, most High Court trials are open to the public. You can typically observe proceedings as a member of the public, though there might be specific security procedures or limitations depending on the case.
4	What types of cases does the High Court of Justiciary *not* deal with?	The High Court of Justiciary focuses exclusively on criminal matters. It does not hear civil disputes, family law cases, or tribunal appeals. These are handled by other courts and tribunals in Scotland.

5	How does the High Court of Justiciary in Edinburgh differ from the Supreme Court of the United Kingdom?	The High Court of Justiciary is Scotland's highest criminal court, with its own distinct legal traditions. The UK Supreme Court is the final court of appeal for civil and criminal cases from across the UK, but the High Court of Justiciary remains the ultimate authority on Scots criminal law.
6	What is the significance of 'Justiciary' in the court's name?	'Justiciary' refers to the administration of justice, specifically criminal justice, by the sovereign. The High Court of Justiciary therefore signifies the highest court exercising this royal prerogative in Scotland.

High Court of Justiciary Edinburgh, Edinburgh Supreme Court, Justiciary Court Edinburgh, Scottish High Court Edinburgh, Edinburgh Court of Justiciary, Scottish Supreme Court Edinburgh, Justiciary Building Edinburgh, Edinburgh Justice Centre, High Court Proceedings Edinburgh, Justiciary Legal Center Edinburgh

High Court Of Justiciary Edinburgh

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