

**MEETING OF THE SCOTTISH CIVIL JUSTICE COUNCIL  
COSTS AND FUNDING COMMITTEE  
MONDAY 23 JULY 2018 AT 4.15PM  
JUDGES CONFERENCE ROOM, LEVEL +2 PARLIAMENT HOUSE**

**MINUTES**

**Members Present:** Lord Burns (Chair)

Christina Bardsley (Depute in Charge of Offices of the Court of Session)

Kenneth Cumming (Auditor of the Court of Session)

Ian Dickson (Scottish Legal Aid Board representative)

Elena Fry (SCJC member, solicitor)

Hamish Goodall (Scottish Government representative)

Andrew Henderson (Thompsons)

James Mure QC

Alan Rogerson (Claims Manager, Aviva)

David Smith (Deputy Head of Legislation Implementation Team, Scottish Courts and Tribunals Service)

Sheriff Charles Stoddart (Retired)

**Support:**

Andrea Campbell (Policy Officer, Scottish Civil Justice Council)

John Thomson (Deputy Legal Secretary, Lord President's Private Office)

**Apologies:**

Nicola Anderson (Head of Legislation Implementation Team, Scottish Courts and Tribunals Service)

Sheriff Thomas Hughes (SCJC member & Dundee Sheriff Court)

Yvonne MacDermid (Chief Executive, Money Advice Scotland)

Brandon Malone (SCJC member, solicitor)

Stewart Mullan (Law Accountant)

### **Item 1: Welcome, apologies and agreement of private papers**

1. The Chair welcomed those present and noted apologies from Nicola Anderson, Sheriff Hughes, Yvonne MacDermid, Brandon Malone and Stewart Mullan.
2. The Chair welcomed David Smith, who is attending in place of Nicola Anderson on behalf of the SCTS Legislation Implementation Team.
3. The Chair informed members that John Thomson is moving posts. The Committee expressed thanks to him for his tremendous contribution to the Committee.
4. **The Committee agreed not to publish the following papers: 2.2; 3.2; 4.1; 4.1A-C.**

### **Item 2: Previous meeting**

*Item 2.1 – Minutes of previous meeting (Paper 2.1)*

5. **The Committee agreed the minutes from the previous meeting.**

*Item 2.2 – Progress of actions from previous meetings (Paper 2.2)*

6. **The Committee noted the progress that had been made on actions since the last meeting.**

### **Item 3: Work Programme**

*Item 3.1 – Update from the Scottish Government on legislative developments (Oral)*

7. Hamish Goodall provided the Committee with an update on legislative developments in the Scottish Government.
8. He advised that the proposed Children (Equal Protection from Assault) (Scotland) Bill will be introduced in September 2018.
9. Mr Goodall also commented that the Prescription (Scotland) Bill completed Stage 1 on 27 June 2018; Stage 2 scheduled for 2 September 2018.
10. He confirmed that the Damages (Investment Returns and Periodical Payments) (Scotland) Bill was introduced on the 14 June 2018; Stage 1 will begin in the autumn and is scheduled to be completed by December 2018.

*Item 3.2 – Business Tracker (Paper 3.2)*

11. **Paper 3.2, which provided an update of the Committee’s work, was noted.**

12. The Committee was advised that the secretariat was considering a policy paper from the Scottish Government setting out their policy position in relation to section 10 of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act, . This will be tabled for discussion at a future meeting.

**Item 4: Justice System reform: Courts Reform**

*Item 4.1 – Taxation Rules and Amendment of Taxation procedure (Papers 4.1 and 4.1A-C)*

13. John Thomson introduced these papers. **Paper 4.1** invited the Committee to consider two draft Acts of Sederunt: Act of Sederunt (Taxation of Judicial Expenses Rules) (**Paper 4.1A**); and Act of Sederunt (Rules of the Court of Session, Sheriff Appeal Court Rules and Ordinary Cause Rules Amendment) (Taxation of Judicial Expenses) (**Paper 4.1C**).

14. **The Committee agreed further amendments to both instruments and it was agreed that revised versions be circulated by correspondence for approval for submission to the Scottish Civil Justice Council for consideration.**

**Item 7: A.O.C.B.**

15. No other business was raised.

**Item 8: Dates of future meetings**

16. The Committee noted the revised meeting date:

- Monday 5 November 2018 at 4.15pm

**Scottish Civil Justice Council Secretariat**

**July 2018**