

It is my great pleasure to welcome everyone to the official launch of the Scottish Civil Justice Council this evening.

The Scottish Civil Justice Council was established by The Scottish Civil Justice Council and Criminal Legal Aid Assistance Act 2013 in May this year. That represented the first legislative step on the journey towards civil courts reform in Scotland. Tonight's launch of the Scottish Civil Justice Council marks a very significant practical step on that journey. I am very grateful to the Cabinet Secretary for affording the time to attend and speak at tonight's event, and I would like to extend my particular gratitude to him for his stewardship of the Bill through the Scottish Parliament.

The Scottish Civil Justice Council replaces the previous Court of Session Rules Council and the Sheriff Court Rules Council. As well as taking on those bodies' rule drafting functions, the new Council also has a new, wider, role to advise and make recommendations on the development of the civil justice system.

The new Council has been given broad powers to help carry out its functions. These include the ability to make recommendations to the Scottish Ministers, to conduct consultations and to commission research. Crucially, the Council will also be able to take into account proposals for reform when preparing draft rules.

Membership is very wide. It encompasses the range of interests and experiences across the civil justice system. As well as the judiciary and practitioners, it includes consumer representatives, an academic and an employment judge. In addition, the Chief Executives of the Scottish Court Service and the Scottish Legal Aid Board and a member of staff of the Scottish Government hold standing appointments. The breadth and depth of experience available to the Council is impressive.

The Council is required to lay an Annual Programme and report to the Scottish Parliament. It is also subject to the provisions of the Freedom of Information (Scotland) Act 2002. In accordance with the spirit of that legislation, information on the Council and details of its meetings are routinely published online. All these arrangements will ensure those with an interest in the civil justice system, and the public in general, will be kept aware of the Council's activity.

The need to create a unified Rules Council with an overview of the civil courts system was originally identified by the Scottish Civil Courts Review. The Review concluded that such a body would help and promote communication between the courts and court users; the sharing of developments in good practice; and consistency in procedures. Scotland's civil courts have not been subject to large scale reform for over a century. The creation of the Scottish Civil Justice Council will help to support civil courts reform and thereafter ensure that the system can be kept under systematic review and remain responsive to the changing needs of modern society.

The quick progress that has been made in respect of the plans for civil courts reform is gratifying. The Scottish Government plans to bring a Bill in Parliament in the near future and soon we will learn of the Government's final proposals following the recent consultation on the draft Courts Reform (Scotland) Bill. Implementation of the proposals contained in that Bill will require many changes to the procedures of the Scottish Civil Courts. And the Scottish Civil Justice Council has the not insignificant task of taking forward the many changes to court rules that will be required.

Bringing forward the legislation to establishing the Council ahead of the legislation for civil courts reform, has helped to ensure that the momentum behind these reforms can be maintained.

The Council will do its part to maintain that momentum. In keeping with its rationale for its early establishment, the Council is currently readying itself for the programme of work which lies ahead on civil courts reform. To that end, the Council today considered its Annual Programme for 2013/14. The programme, which will be published shortly, will set out the Council's objectives and priorities for the next six months and will make clear how the Council intends to approach the substantial tasks ahead.

In addition to the work associated with implementation of civil courts reform, there are two other major reform projects with which the Council will be directly involved:

- Firstly, the recommendations of Sheriff Principal Taylor's Review of Expenses and Funding of Civil Litigation in Scotland.
- Secondly, the proposals contained in the Tribunal (Scotland) Bill include bringing consideration of the tribunal system and tribunal rules within the Council's remit. Whilst this is not proposed in the short term, the Council will need to consider how it might prepare for any such additional functions.

Given the amount of legislation these three initiatives are expected to give rise to, it is expected this will constitute the main focus of the Council in the short to medium term. So, the Council's work will sit squarely within the context of the Scottish Government's *Making Justice Work Programme*. *Making Justice Work* is the Scottish Government's four year programme through which a broad suite of justice reforms will be implemented in conjunction with a range of justice organisations, including the Scottish Court Service and the judiciary. The *Making Justice Work Programme* has been a conspicuous success. The benefit of it will be felt for many years to come.

I have spoken about what the Council intends to do over the next few years. I should like to take this opportunity to mention what the Council has already achieved in its first few months in existence:

- A Family Law Committee under the Chairmanship of Lord Brailsford, and a Personal Injury Committee under the Chairmanship of Lord Jones, have been established. Both are giving active consideration to improvements to the procedures to be followed in actions falling within their remits.
- A Rules Rewrite Working Group has been set up. The group has the important task of developing the methodology for carrying out the rules rewrite which will support implementation of civil courts reform.
- A consultation on rules in relation to reporting restrictions is currently underway.
- The creation of the Council's website which will act as a hub for communicating all Council activity, and where full details of the Council and its committees can be found.
- Finally, there has been a successful transposition from the work that was in hand under the auspices of the previous Rules Councils, with several sets of rules having been made following the new Council's consideration of them.

I have mentioned the Sheriff Court and the Court of Session Rules Councils. I am grateful to those Councils for the good work that has been carried out under on their auspices and for their part in ensuring a successful transition to the new arrangements. A significant number of individuals, some of whom are here this evening, have contributed their time and knowledge to the work of those Councils

and have kindly volunteered to contribute to the work of the Scottish Civil Justice Council. I express my sincere gratitude to all those who have served on those bodies over the last few decades.

When our first Report is published towards the end of next month, you will, I think, be impressed by the volume and the quality of the work that the Council has already done. All of the credit for that goes to our Secretariat: Roddy Flynn, Ondine Tennant, Lisa Gamble, Neil Robertson and Carmen Murray. Their commitment and expertise is truly exceptional and proof of the quality of our civil service in Scotland.

Lastly, I thank the members of the Council for their public spirited participation in this great project of reform. All of them are busy people and hugely experienced in their field. All of them have made their services available to the Council with no thoughts of reward. It is a privilege to be their colleague.