

**MEETING OF THE SCOTTISH CIVIL JUSTICE COUNCIL – RULES
REWRITE WORKING GROUP**

16 JANUARY 2014 AT 16.15 PM

JUDGES’ CONFERENCE ROOM, PARLIAMENT HOUSE

MINUTES

Members present: Lord Menzies (Chair)
Sheriff Principal Scott (Sheriff Principal of Glasgow and Strathkelvin)
Kenneth Forrest (Advocate)
Duncan Murray (Solicitor)
Jonathan Brown (OSPC, Scottish Government)
Professor Fran Wasoff (LP Member)
Sarah Wolffe (Advocate, papers member)

In attendance: Roddy Flinn (Legal Secretary to the Lord President and Secretary to the SCJC)
Ondine Tennant (Deputy Secretary to the SCJC)
Neil Robertson (Policy Officer, SCJC)

Apologies: Lord President (Gill)

Item 1: Introduction, welcome, private papers and apologies

1. The Chair welcomed those present and noted apologies.
2. **The Committee agreed not to publish the following papers: 4.1, 4.1A, 4.2, 4.2A, 4.2B, 4.2C and 4.2D.**
3. **The Committee congratulated Sarah Wolffe on her appointment as a Senator of the College of Justice. The Committee noted that Mrs Wolffe’s membership of the SCJC and committees ends with her appointment as a Senator but that the SCJC has agreed she should remain a member of the RRWG in her judicial capacity.**

Item 2: Previous Meeting

Item 2.1 – Minutes of Previous Meeting [Paper 2.1]

4. **Members agreed the minutes from the previous meeting.**

Item 2.2 – Action points from previous meeting [Oral]

5. Ondine Tennant advised that all action points from the previous meeting had either been taken forward or were tabled for discussion at the meeting. **Members noted the position.**

Item 3: Making Justice Work / SCJC Update

Item 3.1 – Making Justice Work programme [Oral]

6. Roddy Flinn provided an oral update on developments under the Making Justice Work programme, outlining the plans for recruiting the drafting team to support the Rules Rewrite Project.

Item 4: Rules Rewrite Project

Item 4.1 Research and recommendations [Papers 4.1 and 4.1A]

7. Members considered Paper 4.1A, a working draft of the Group's Interim Report which is due to be submitted to the Council by the end of February.
8. Members gave their views on the content of the interim report and in particular on the suggested proposals contained therein. Members were invited to submit any further comments by email by 24 January 2014. **A further draft, incorporating members' comments, was to be circulated by the Secretariat towards the end of January.**

Item 4.2 Style Guide [Oral, with reference to Papers 4.2 and 4.2A-D]

9. Jonathan Brown spoke to papers 4.2 and 4.2A-D which were the Office of the Scottish Parliamentary Counsel (OSPC) guidance on drafting primary legislation and associated documents including guidelines on the use of plain language.
10. Members discussed the purpose of a style guide for new rules and what that might usefully cover. It was remarked that the guide could assist in ensuring consistency and coherency across the breadth of the rules rewrite project, given much of the detailed work was to be delegated to committees. It was thought that any such guide should not cut across existing guidance, specifically the SSI Drafting Manual, which is in place for drafting subordinate legislation and that, in light of that existing guidance detailed guidance may not be necessary. It was suggested that such a document could set out a high level approach, providing, for example, clear statements of principle as to accessibility and language and as to how harmonisation might be achieved across procedures in the Court of Session and sheriff courts. **It was agreed that any guidance or policy in this regard should reflect the need to ensure the simple procedure rules reflect the needs of lay end-users.**
11. **There was some discussion of the Group's role following preparation of its final report – in particular in relation to the matter of ensuring coherency and consistency of the suite of new rules - and it was agreed that this merited further consideration.**
12. It was thought that it would be helpful to retain links with OSPC as the Rules Rewrite Project progresses. It was noted that there were plans to run a seminar on the principles of drafting and the legislative process during April. **It was agreed that the Secretariat would circulate further information on the style guide alongside the revised draft of the Interim Report.**

Agenda Item 5: A.O.C.B

13. No other business was raised.

Agenda Item 6: Dates of Next Meetings

14. The Secretariat was asked to take forward arrangements for a meeting during February and confirm the proposed date in due course. As the main item of business at the next meeting would be the Interim Report, it was agreed that the meeting could be scheduled tentatively, depending on whether agreement could be reached by correspondence. *[Since the meeting, a further meeting has been tentatively arranged for 4.15pm on Tuesday 25 February 2014.]*

Scottish Civil Justice Council Secretariat

February 2014