SCOTTISH CIVIL JUSTICE COUNCIL – RULES REWRITE COMMITTEE

10 FEBRUARY 2015 AT 4.15 PM

JUDGES' CONFERENCE ROOM, PARLIAMENT HOUSE

MINUTES (DRAFT)

DRAFT

Members present: Lord Menzies (Chair)
Sheriff Principal CAL Scott (Sheriff Principal of Glasgow & Strathkelvin) (From point 4.3)
Sheriff A Thornton (Sheriff of Tayside, Central & Fife)
Jacqueline Harris (SCJC member)
Kenneth Forrest (Advocate)
Ian Dickson (SLAB)
Jonathan Brown (OSPC, Scottish Government)
Professor Fran Wasoff (LP member)
Andrew Stewart QC
Kay McCorquodale (Courts Policy Team, Scottish Government)

In attendance: Jane MacDonald (SCS Policy & Legislation Branch)
Kenneth Htet-Khin (Head of the Rules Rewrite Drafting Team)
Graham Crombie (Deputy Legal Secretary, Rules Rewrite Drafting Team)
Luke McBratney (Deputy Legal Secretary, Rules Rewrite Drafting Team)(until point 5)
Mandy Williams (Deputy Secretary to the SCJC)
Susan Brodie (Policy Officer, SCJC)

Apologies: Lord President
Lady Wolffe
Gillian Prentice (Deputy Principal Clerk of Session)
Roddy Flinn (Secretary to the SCJC)

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, 4.2, 5.1, 5.1A, 5.2, 5.2A and 5.2B**

Item 2: Previous Meeting

Item 2.1 – Minutes of Previous Meeting **[Paper 2.1]**

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

Item 2.2 – Action points from previous meeting **[Oral]**

4. **Members noted discussions are on-going between SCS webteam staff and their consultants, to ascertain cost and time implications of a private members area being added to the SCJC website.**

Item 3: Making Justice Work/SCJC Update

5. Kenny Htet-Khin provided an oral update on developments under the Making Justice Work programme. In particular the closures of Dingwall, Peebles, Duns and Haddington Sheriff Courts.

   He also provided an SCJC update, outlining in particular the details of the Lord President's speech delivered at the Digital Justice Seminar on 28 January 2015. This included the following commencement dates:

   - September 22 2015 –
     - All Scotland Personal Injury Court;
     - Sheriff Appeal Court (Crime);
     - new Judicial Review procedure
     - Privative Jurisdiction.
   - January 2016 –
     - Sheriff Appeal Court (Civil).
   - Spring 2016 –
     - Simple Procedure.

Item 4: Rules Rewrite Project

Item 4.1 – Rules Rewrite Project Activity Tracker **[Paper 4.1]**

6. Kenny Htet-Khin spoke to the new activity tracker created to update the Council and its Committees on the progress of matters being taken forward as part of the Rules Rewrite Project. **Members noted the progress of the actions.**

Item 4.2 – Drafting Priorities for 2015/16 **[Paper 4.2]**

7. Members considered and discussed the priorities for 2015/16. The Committee noted that the priorities will underpin the annual programme and agreed the priorities should be submitted to the Council for approval.

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Item 4.3 – Presentation on Drafting **[Oral]**

8. Luke McBratney provided members with an overview of the process involved in drafting and making rules of court.

Item 5: Proposals for rules

Item 5.1 – Judicial Review Procedure **[Papers 5.1 & 5.1A]**

9. Kenny Htet-Khin spoke to papers for proposals for changes to Judicial Review procedure, produced by the Rules Rewrite Committee reference group. Members discussed **Paper 5.1A** which proposes policy and standard procedure for changes to Judicial Review actions.

10. **Members discussed and agreed the proposals and agreed that the drafting of the rules be developed for the next Rules Rewrite Committee meeting in April.**

11. **The Committee thanked the reference group for its work carried out so far and its continued support.**

Item 5.2 – Sheriff Appeal Court **[Papers 5.2 & 5.2A]**

12. Graham Crombie spoke to papers and informed the members of the time perimeters required to ensure the Rules for the Civil Sheriff Appeal Court are successfully implemented.

13. **Members agreed a reference group for the Civil Sheriff Appeal Court, to consider detailed policy instructions.**

14. **The Committee members agreed that the policy instructions be prepared, with the assistance of the reference group, for the Committee's meeting on 26 May 2015.**

Item 6: A. O. C. B

15. No other business was raised.

Item 7: Date of Next Meetings

16. The next meetings were agreed as follows:
    - Tuesday 7 April at 4.15pm
    - Tuesday 26 May at 4.15pm

Scottish Civil Justice Council Secretariat
February 2015

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