

SCOTTISH CIVIL JUSTICE COUNCIL –  
EXTRAORDINARY MEETING OF THE RULES REWRITE COMMITTEE

14 SEPTEMBER 2015 AT 11AM

JUDGES' DINING ROOM, PARLIAMENT HOUSE

MINUTES (APPROVED)

- Members present:** Lord Menzies (Chair)  
Sheriff Principal CAL Scott (Sheriff Principal of Glasgow & Strathkelvin)  
Kenneth Forrest (SCJC member)  
Andrew Stewart QC  
Jonathan Brown (OSPC, Scottish Government)  
Kay McCorquodale (Courts Policy Team, Scottish Government)  
Jacqueline Harris (SCJC member)
- Guest** Sheriff Principal Murray (Sheriff Principal of North Strathclyde)
- In attendance:** Gillian Prentice (Deputy Principal Clerk of Session)  
Jane MacDonald (SCTS Policy & Legislation Branch)  
Roddy Flinn (Secretary to the SCJC)  
Kenneth Htet-Khin (Head of the Rules Rewrite Drafting Team)  
Graham Crombie (Deputy Legal Secretary, Rules Rewrite Drafting Team)  
Susan Brodie (SCJC Secretariat)
- Apologies:** Sheriff Thornton (Sheriff of Tayside, Central & Fife)  
Lady Wolffe  
Ian Dickson (SLAB)  
Professor Frances Wasoff (LP member)

**Item 1: Introduction, welcome, private papers and apologies**

1. The Chair welcomed and thanked all present for attending this extraordinary meeting of the Rules Rewrite Committee, at such short notice, and noted apologies.
2. The Chair also welcomed Sheriff Principal Murray as an invited guest to this meeting.

**Proposals for rules****Rules for a Sheriff Appeal Court (Civil)**

2. The Chair delivered a summary to the Committee members regarding the Committee's initial agreements concerning the Rules for the Sheriff Appeal Court (Civil).
3. The Chair advised the Committee that it had been convened today to discuss concerns raised by the Sheriffs Principal, to decide whether attempts should be made to address those concerns through modifications to the draft rules and if so, to consider the proposals to address the concerns raised.
4. The Chair confirmed he wished the Committee to consider the concerns especially due to the fact the Sheriffs Principal will be running the Sheriff Appeal Court (Civil), which the Committee members unanimously agreed.
4. The Chair highlighted the date of implementation of the Sheriff Appeal Court (Civil), currently set for 1 January 2016. The Chair confirmed this date would not be possible to achieve if the rules, as a whole, were to be reconsidered.
5. Secondly the Chair expressed, as this was a new court with new rules, it may be inevitable for the rules to be reviewed in 18 – 24 months' time.
6. Kenny Htet-Khin spoke to the Committee regarding the concerns of the Sheriffs Principal and confirmed that the Committee can deal with these concerns and achieve the current timescale if consideration is given to the proposed changes within the current procedure.

7. Following discussions the Committee unanimously agreed to revise the rules to make provisions for an accelerated appeal procedure and urgent disposal procedure and to submit draft rules to the SCJC in time for its meeting of 28 September 2015.

**SCJC Secretariat  
September 2015**