

# SCOTTISH CIVIL JUSTICE COUNCIL – RULES REWRITE COMMITTEE

26 MAY 2015 AT 4.15 PM

JUDGES' CONFERENCE ROOM, PARLIAMENT HOUSE

## MINUTES (APPROVED)

**Members present:** Lord Menzies (Chair)  
Jacqueline Harris (SCJC member)  
Kenneth Forrest (SCJC member)  
Ian Dickson (SLAB)  
Jonathan Brown (OSPC, Scottish Government)  
Kay McCorquodale (Courts Policy Team, Scottish Government)  
Professor Fran Wasoff (LP member)

**In attendance:** Gillian Prentice (Deputy Principal Clerk of Session)  
Jane MacDonald (SCTS Policy & Legislation Branch)  
Kenneth Htet-Khin (Head of the Rules Rewrite Drafting Team)  
Graham Crombie (Deputy Legal Secretary, Rules Rewrite Drafting Team)  
Susan Brodie (SCJC Secretariat)

**Apologies:** Lord President  
Sheriff Principal CAL Scott (Sheriff Principal of Glasgow & Strathkelvin)  
Sheriff A Thornton (Sheriff of Tayside, Central & Fife)  
Andrew Stewart QC  
Lady Wolffe

### **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:  
3.1, 4.1, 4.1A and 4.1B**

## **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 the private members area of the SCJC website is currently being progressed.**

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

### *Item 3.1 Rules Rewrite Project Activity Tracker [Paper 3.1]*

- 5. Kenny Htet-Khin provided an oral update on the progress of the rules rewrite project. Members were advised that all the activities on the Rules Rewrite activity tracker were timeous. **Members noted it was hoped four instruments would be laid before Parliament over the next two weeks.****
- 6. Kenny also updated the Committee on the forthcoming stakeholder events, now known as the Information Event, due to take place on 2 July 2015 and the Autumn Tours due to take place during November and December 2015. **Members noted Kenny Htet-Khin and Luke McBratney are both due to speak at the Simpson and Marwick Glasgow Liability Claims Conference on 19 June 2015; discussions are currently taking place regarding a speaker attending a conference on Civil Justice at Strathclyde University on 24 August 2015 and it was also noted in Andrew Stewart's absence that he is speaking to Scottish Public Law Group.****

### *Item 3.2 SCJC Update*

- 7. Susan Brodie provided an update on the activities of the SCJC and the SCJC Secretariat.**

#### **Item 4: Proposals for Rules**

##### *Item 4.1 Sheriff Appeal Court (Civil) [Papers 4.1, 4.1A & 4.1B]*

8. Graham Crombie spoke to papers for proposals for the Sheriff Court Appeal (Civil). Members discussed **Paper 4.1** which proposes policy and standard procedure for implementation of draft rules with the Sheriff Appeal Court (Civil).
9. **Members discussed and agreed the proposals and agreed that the drafting of the rules be developed for the next Rules rewrite Committee meeting on 7 July 2015.**
10. **The Committee thanked Graham Crombie of the Rules Drafting Team for his work carried out to date and also thanked the reference group for its work carried out, in support of implementing new rules and policy for the Sheriff Appeal Court (Civil).**

#### **Item 5: A. O. C. B**

##### *Item 5.1 Items raised by the Inner House User Group*

11. The Inner House User Group has requested Rules from the Rules Rewrite Committee regarding:
  - a) lodging of electronic documents in the Inner House and the requirement for a procedural hearing should a party seek hard copies;
  - b) a need for leave to appeal regarding decisions to sist; and
  - c) permission to appeal in statutory appeals from the Upper Tribunal.

**Members agreed these areas to be added to the Rules Rewrite Activity Tracker.**

##### *Item 5.2 Items considered by correspondence by SCJC – Terminology*

Some members of the Council at their meeting of 11 May 2015 expressed concern of the continued use of legal terminology within proposed draft rules and whether these may be understandable to court users. Council agreed to remit the issue of legal terminology back to the Rules Rewrite Committee and that this Committee should seek the views of the Access to Justice Committee as part of that consideration. **Committee members agreed this area will be discussed at the next meeting on 7 July 2015 and thereafter views of the Access to Justice Committee may be obtained.**

## **Item 6: Date of Next Meetings**

12. The next meetings were agreed as follows:

- Tuesday 7 July 2015 at 4.15pm
- Thursday 24 November 2015 at 4.15pm
- Thursday 21 January 2016 at 4.15pm

**Scottish Civil Justice Council Secretariat**

**May 2015**