

ITEM 2.3: ACTIVITY SINCE PREVIOUS MEETING

Purpose

- 1) To update members on activity which has taken place since the last SCJC meeting of 18 November 2013.

Committee Activity

- 2) Committee activity reports are provided as follows:
 - **Paper 2.3A** – Personal Injury Committee
 - **Paper 2.3B** – Access to Justice Committee
 - **Paper 2.3C** – Family Law Committee
- 3) Members may wish to note in particular the intention of the Personal Injury Committee to place a proposal for research into the use of pre-action protocols in Scotland. While the SCJC budget for 2014/15 is not yet confirmed, it is expected that there will be an allocation for research purposes. Resources will, however, be limited. **It is suggested that there would be merit in considering in further detail how research priorities should be decided and how these funds might best be allocated. Subject to agreement, this will be scheduled for discussion at the next SCJC meeting in March. In the meantime, members' general views would be welcome.**
- 4) In addition, the Rules Rewrite Working Group visited England and Wales on 2-3 December and met academics and members and staff of the Civil Justice Council and Civil Procedure Rule Committee to discuss the experience there in respect of the Woolf and Jackson reforms.

Rules made since last meeting

5) One instrument has been made since the last meeting.

- **Act of Sederunt (Rules of the Court of Session Amendment No. 4) (Miscellaneous) 2013 (SSI 2013/317)** was made on 6 November 2013 and came into force on 2 December 2013. It amends the Rules of the Court of Session to correct minor typographical errors in respect of three rules which were previously considered by the Council. It is available at:
<http://www.legislation.gov.uk/ssi/2013/317/introduction/made>

Minutes of meetings and SCJC documents

6) Links to minutes of meetings of the SCS Board, SLAB Board, SCJC Committees and documents produced under the auspices of the SCJC since 18 November are provided as follows:

- Rules Rewrite Working Group meeting 12 December 2013: [draft minutes](#)
- Family Law Committee meeting 4 November 2013: [draft minutes](#)
- Personal Injury Committee meeting 9 December 2013, draft minutes will soon be available [here](#).
- Access to Justice Committee, draft minutes will soon be available [here](#).
- SCS Board meeting 9 December 2013: [draft minutes](#).

Publications and other developments of interest

- SLAB's [second report on the on the availability and accessibility of legal services](#) (December 19 2013)
- Interim Advisory Committee on Administrative Justice and Tribunals first meeting held 17 December 2013. The Committee has been established by the SG following the abolition of the Scottish Committee of the Administrative

Justice and Tribunals Council. Further information is available [here](#).

- [SG announcement](#) that the Scottish Court Service and Scottish Tribunals Service are to merge.
- SLCC Report [Five years on – facts and figures](#): analyses five years of legal complaints data to see if there are any insights that can help legal practitioners and the public. The report includes information on: the areas of legal work that attract the most complaints; the most common types of complaints; and how complaint trends have changed over time.
- [Scottish Government's Response](#) to the consultation on Civil Law of Damages: Issues in Personal Injury. The SG has agreed to increase the limitation period for raising an action for damages for personal injury from three years to five years and clarity that it should not be possible for a bereaved relative to secure damages for psychiatric injury under the Damages (Scotland) Act 2011.
- Senatorial appointments [announced](#) on 18 December 2013: SCJC Member Sarah Wolffe QC, along with Sheriff Rita Rae QC.
- [Housing Scotland Bill](#) introduced 21 November 2013.
- Members Expenses forms are now available on the SCJC website [here](#).

Recommendation

7) The Council is invited to:

- a) note the committee activity since the Council's last meeting and their potential future business;
- b) note the other activity outlined in this paper; and
- c) give initial views on the question of how research priorities might best be set and funding allocated and agree to consider this in further detail at the next meeting.

SCJC Secretariat - 09 January 2014