

ITEMS CONSIDERED BY CORRESPONDENCE

Purpose

1. To advise members of the outcome of consideration given to matters by correspondence since the last meeting.

Discussion

2. In inviting members to consider matters by correspondence, members are advised that a nil response will be treated as consent, unless noted otherwise.
3. Two matters have been considered by correspondence since the last meeting:

A. Simple Procedure Fixes Instrument

- **Paper 2018/10** was issued to members on 22 March 2018, inviting members to consider and approve draft rules (at **Paper 2018/10A**) making amendments to the core Simple Procedure Rules in light of the discussions at the Council meeting.
- **Responses were invited by close of business on Thursday 29 March 2018. Two responses were received, one proposing a slight tweak to the draft rules. This was considered by the secretariat and Rules Rewrite Drafting Team and the guidance in C6 of Form 5A (Time to Pay Form) was amended to include the wording “in relation to a consumer credit agreement”.**
- **As the policy on this matter remained broadly the same, members were advised that the instrument would not be further circulated for comment and would be treated as approved.**

B. Brexit forward planning

- **Paper 2018/11** was issued to members on 30 April 2018, providing members with an update of the work being undertaken by the Lord President’s Private Office (LPPO) in relation to Brexit.

- At its January meeting, the Council received an update about LPPO/SCTS's Brexit response planning. The Council noted that a scoping exercise was being undertaken by LPPO to assess the implications on rules of court and it was agreed that the report on that exercise would be circulated to members in due course.
- That scoping exercise is now complete and Paper 2018/11 is the scoping report presenting the findings of the exercise. The following papers accompany the report:
 - Scoping exercise: full analysis (**Paper 2018/11A**)
 - Project Initiation Document: Rules of Court – effect on Brexit (**Paper 2018/11B**).
- **Members were invited to simply note the papers at this stage.**

Recommendation

4. **Members are invited to note this update.**

Scottish Civil Justice Council Secretariat

May 2018