

MEETING OF THE SCOTTISH CIVIL JUSTICE COUNCIL

MONDAY, 15 June 2026, AT 10:30
Judges Conference Room,
Parliament House, Edinburgh

Present: Lord President (*Chair*)
Lady Carmichael
Fiona Drysdale
Lord Ericht
Malcom Graham (*SCTS*)
Nicola Irvine
Sheriff Lesley Johnston (*attended by video*)
Colin Lancaster (*SLAB*)
Iain MacRae
Sheriff Jillian Martin-Brown
Sheriff Frances McCartney
Adam McKinlay
Sheriff Principal Ross
Usman Tariq KC

In attendance: Judge Sarah Houllier
Chris Fyffe (*Court of Session*)
Rachel Grant (*LIT*)
Edward McHugh (*LPPO*)
Riley Power (*SCTS*)

Support: Jessica Flynn (*Secretariat*)
Craig McCorkindale (*Secretariat*)
Paula Preston (*Secretariat*)

Apologies: Denise Swanson (*SG*)
Thomas Docherty

Item 1 - Welcome, apologies and agreement of public and private papers

1. The Chair noted the apologies received and welcomed Judge Sarah Houllier from France who is attending today as an observer.

Item 2 - Previous meeting

2.1- Items considered by correspondence (Paper 2.1)

2. **Members noted the update provided.**

Item 3 - Governance

3.1 - SCJC Strategy (Paper 3.1 & 3.1A)

3. Members discussed the latest iteration of the SCJC Strategy which reflects the views expressed by members during the 2 workshops held. The key points noted from discussion covered the need:

- To recognise there are situations where implementation will require the Council to more actively work in partnership with other key public bodies, such as the Scottish Government and SLAB on implementation of the legal aid strategy.
- To widen the scope of future research on the resolution of environmental disputes.

4. On behalf of the Council, Malcolm Graham agreed to liaise with the Scottish Government on the level of strategic input that will be needed from their officials in future to support this significant change in direction for the Council.

5. The Council approved the SCJC Strategy 2026-2029 paper for publication, subject to incorporating the feedback received from members and any stylistic or typographical amendments made.

3.2 - Annual Report 2025-26 & Work Programme 2026-27 (Paper 3.2 & 3.2A)

6. The Council approved the Annual Report 2025-26 & Work Programme 2026-27 for publication, subject to any stylistic or typographical amendments made.

Item 4 - Aarhus Convention

4.1 - Update on Stakeholder Meetings (Paper 4.1)

7. Sheriff McCartney spoke to paper as circulated.

8. Members noted the positive response to the engagement meetings held.

4.2 - Update on Complaint (Paper 4.2 & 4.2A)

9. Sheriff McCartney spoke to paper as circulated. The next steps are a matter for the Aarhus Convention Compliance Committee. They will consider any response lodged by the complainant (ERCS) and in due course that committee will advise a date for parties to attend a substantive hearing, or optionally they may choose to take a decision on the papers.

10. Members noted the update provided

4.3 - Public Consultation on the extension of PEOs (Paper 4.3 & 4.3A-D)

11. Sheriff McCartney spoke to the progress made to date with implementation of the key elements within the Aarhus Strategy paper (Dec 2025, SCJC).

12. The Council approved the content of Consultation Paper, draft rules, BRIA and EQIA for publication later this month, subject to any additional feedback received from members and any stylistic or typographical amendments made.

Item 5 - Work Programme

5.1 - Format of Judgments (Paper 5.1 & 5.1A-B)

13. The Council agreed to the content of the draft rules instrument and approved its submission to the Court of Session for consideration and approval, subject to any stylistic or typographical amendments made.

5.2 - Update from the Group Procedure Working Group (Paper 5.2)

14. Lord Ericht spoke to the update paper as circulated to members.

15. The Council noted the update provided.

5.3 - Interim Awards of Expenses (Paper 5.3 & 5.3A)

16. The Council discussed the Faculty of Advocates submission and the potential adverse impacts for parties and practitioners when faced with any

unreasonable delay in the auditor issuing a 'taxed' account of expenses.

17. The Chair confirmed the need to consult appropriately given the significant impact this proposed change would have on the parties to any given litigation, the law firms representing those parties and the workload of the courts.

18. The secretariat is to prepare relevant documents to support the Council running a targeted consultation on providing interim awards of expenses for consideration at the next meeting.

5.4- Finalising a simplified table of fees (Paper 5.4 & 5.4A-D)

19. The Council the content of the draft rules and Policy Note and approved their submission to the Court of Session for its consideration and approval, subject to any stylistic or typographical amendments made.

Item 6 - AOB

20. Members agreed that no papers needed to be marked private

Dates of next meetings

- Monday 12 October
- Monday 14 December