

# SCOTTISH CIVIL JUSTICE COUNCIL

## ACCESS TO JUSTICE COMMITTEE

### MINUTES

PARLIAMENT HOUSE, 3.00PM, MONDAY 06 MAY 2015

**Members present:** Lady Wise (Chair)  
Sheriff Arthurson (Edinburgh Sheriff Court)  
Employment Judge Joseph d'Inverno (SCJC member)  
Ruth Crawford QC (Advocate)  
Paul Reid (Solicitor, SCJC member)  
Professor Frances Wasoff (Edinburgh University, SCJC member)  
Lauren Wood (Citizen's Advice Scotland, SCJC member)  
Ian Maxwell (Families Need Fathers, SCJC member)  
Denise Swanson (Scottish Government)  
Colin Lancaster (Scottish Legal Aid Board)

**In attendance:** Yvonne Anderson (Policy and Legislation Branch, SCTS)

**Secretariat:** Luke McBratney (Deputy Legal Secretary, Rules Rewrite Drafting Team)  
Kiera Dargie (Deputy Legal Secretary, LPPO)  
Mandy Williams (Deputy Secretary, SCJC)  
Bridget Lee (SCJC Secretariat)

**Apologies:** Kenneth Forrest (Advocate, SCJC member)  
Catherine Molloy (Solicitor)  
Ronald Conway (Solicitor Advocate)  
Nicola Anderson (Policy and Legislation Branch, SCTS)

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

1. The Chair welcomed those present to the meeting, which would be focusing on the Simple Procedure rules, and introduced Bridget Lee who is taking over the secretariat duties for the Committee.
2. **Members agreed not to publish Papers 2.2, 5.1 and 5.1A-D.**

## **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: Progress of actions from previous meetings [Paper 2.2]*

4. It was noted that, until the Simple Procedure rules had been prepared for consideration by the SCJC, other matters such as ADR and lay representatives are on hold. However, if members have any matters they wish to put before the Committee these should be forwarded to the Secretariat.

## **Item 3: Proceedings**

*Item 3.1: Update on activity of the SCJC*

5. Bridget Lee provided an update on the activities of the SCJC and its Committees.

## **Item 4: Forward Work Planner**

*Item 4.1: Update from the Scottish Government on legislative developments [ORAL]*

6. Denise Swanson provided an update on legislative developments in the Scottish Government including the Criminal Justice Bill and the Human Trafficking and Exploitation Bill. The main area of civil legislative development is implementation of the Courts Reform (Scotland) Act 2014 which is following the timetable set out by the Lord President.

*Item 4.2: Presentation about the Taylor Review [ORAL]*

7. Denise Swanson set out the current position on the Taylor Review of Expenses and Funding of Civil Litigation in Scotland. The Scottish Government has recently consulted ('Consultation on Expenses and Funding of Civil Litigation Bill') on the proposal to legislate on various matters arising from the Taylor Review and the Civil Courts Review including: speculative fee agreements, qualified one way costs shifting, damages based agreements, multi-party actions,

counsel's fees, auditors of court and court powers over conduct of legal representatives.

8. The consultation period closed on 24<sup>th</sup> April and a full analysis has not yet been undertaken. The Scottish Government response to the consultation is being prepared and they are looking at putting together a Bill. Ms Swanson invited members to contact her if they have matters they wish to raise on the areas consulted upon.

*Item 4.3: Update from the Scottish Legal Aid Board on Making Justice Work Project 3: Enabling Access to Justice [ORAL]*

9. Colin Lancaster provided an oral update from the Scottish Legal Aid Board on *Making Justice Work Project 3: Enabling Access to Justice*. The main areas of work are: planning and coordination of advice services particularly through a 'knowledge hub'; a revised model for accrediting advice services' standards; and, leading on the on-line portal under the Justice Digital Strategy to provide a single, easily-accessible source of information (initially in collaboration with the Scottish Government's myscot.gov project). Arrangements are being made for the proposed research into ADR and SLAB has been successful in securing funding to September 2016 for 88 projects.
10. Members expressed an interest in seeing a demonstration of the on-line portal once it is up and running.

*Item 4.4: Rules Rewrite: Update [ORAL]*

11. Luke McBratney provided an update on the Rules Rewrite team since the last meeting. They are primarily working on new provisions for the implementation of the Courts Reform (Scotland) Act 2014.

## **Item 5: Simple Procedure**

*Item 5.1: Rules for a Simple Procedure [Papers 5.1 and 5.1A-D]*

12. The Committee considered **Paper 5.1** which set out the main changes that had been made to the draft of the Simple Procedure rules [**Papers 5.1A & B**].

13. The Committee agreed a number of amendments to the draft provisions and noted that an amended draft will be available for the next meeting. Members also noted that some proposed changes to the structure of the draft rules will be dealt with by correspondence before the next meeting.

14. The Committee noted its thanks to Judge d’Inverno for preparing a paper on the reconsideration of judgments [Paper 5.1D] and noted that he had offered to submit the paper to the Council for consideration.

*Item 5.2: Arrangements for consideration of Simple Procedure during vacation*

15. The Committee agreed arrangements for considering some particular aspects of the draft Simple Procedure rules during the summer vacation.

#### **Item 6: Future Business**

*Item 6.1: Dates of meetings*

16. Members noted that the next meeting would be:

- Monday 29<sup>th</sup> June 2015 at 3pm

#### **Item 7: A.O.C.B**

17. There was no other business raised.