

THE SCOTTISH CIVIL JUSTICE COUNCIL AND ITS COMMITTEES

Purpose

1. To provide an overview of the structure and remit of the Scottish Civil Justice Council (SCJC) and its committees, highlighting what rules each committee will be preparing under the rules rewrite project.

Background

2. There are a number of committees involved in the preparation of rules under the rules rewrite project and the attached diagram provides a one-page summary that aims to clarify how each committee links into the rules rewrite project.

The Scottish Civil Justice Council

3. The role of SCJC is to prepare draft rules of procedure for the Court of Session and for civil proceedings in the sheriff court. Its remit also includes providing advice and making recommendations to the Lord President on the development of the civil justice system in Scotland.

The Committees of the SCJC

4. In its first year of operation, the SCJC has focussed on preparing for implementation of civil courts reform and has established five committees and a working group to progress this work:
 - The Family Law Committee
 - The Access to Justice Committee
 - The Personal Injury Committee
 - The Costs and Funding Committee
 - The Information and Communications Technology Committee
 - The Rules Rewrite Working Group (to become the Rules Rewrite Committee)

Recommendation

5. That members note the structure of the Council and its committees and their responsibilities within the rules rewrite project.

THE SCOTTISH CIVIL JUSTICE COUNCIL (SCJC) Chair – The Lord President, Lord Gill

The role of the SCJC is to keep the civil justice system under review; review practice and procedure followed in the Court of Session and in civil proceedings in the sheriff court; prepare draft rules of procedure for these courts; and provide advice and make recommendations on the developments of and changes to the civil justice system. The SCJC has broad powers to help it carry out its functions, including the ability to make recommendations to the Scottish Ministers, carry out consultations and commission research. It may set up committees and ad hoc working groups to assist in carrying out its functions.

Secretariat – Ondine Tennant

Legal support Roddy Flinn

COMMITTEES

Family Law

Chair – Lord Brailsford

To consider the procedure to be followed in family actions and children’s referrals with a view to ensuring such actions are dealt with as expediently as possible.

*Secretariat – Anne Hampson
Legal support – John Thomson*

Rules

Will feed into RRC on family law matters.
Case management in family actions.

Access to Justice

Chair – Lady Wise

To consider the implications of proposals for legal reform which may affect the civil justice system upon litigants and potential litigants in the Scottish civil courts

*Secretariat – Carmen Murray
Legal support – Roddy Flinn*

Rules

Alternative Dispute Resolution.
Lay representation, party litigants and vexatious litigants.
Simple procedure.

Personal Injury

Chair – Lord Jones

To consider, in light of the SCCR Report, the procedure to be followed in personal injury actions; proposals in the Courts Reform (Sc) Bill developments in personal injury legislation.

*Secretariat – Anne Hampson
Legal support – TBC*

Rules

Creation of a specialist personal injury court, with civil jury trials.
Pre-action protocols.

Costs and Funding

Chair – Lord Burns

To consider, in light of the SCCR Report, the implications of proposals for legal reform and other initiatives which may affect the cost and funding of civil litigation.

*Secretariat – Susan Brodie
Legal support – John Thomson*

Rules

Increase in the privative limit.
Enforcement/sanctions.
Facilitating settlement.

ICT

Chair - Lord Tyre

To consider, in light of the SCCR Report, how ICT can be used more effectively within the civil courts to ensure that business can be dealt with as expediently as possible

*Secretariat – Susan Brodie
Legal support – TBC*

Rules

No specific rules identified but will feed into RRC on ITC issues.

Rules Rewrite

Chair – Lord Gill

To develop:
A statement of principle and purpose in the rules of the civil courts; a framework for reviewing the new suites of rules; a rules rewrite programme each year.

To review ordinary proceedings in the civil courts
*Secretariat –Ondine Tennant
Legal support - Kenneth Htet-Khin*

Rules

Creation of Sheriff Appeal Court and Appeal Sheriffs.
Introduction of summary Sheriffs.
Reform of judicial review proceedings.
Case management.
Abolition of distinction between ordinary and petition procedure in Court of Session.