

SCOTTISH CIVIL JUSTICE COUNCIL

ACCESS TO JUSTICE COMMITTEE

MINUTES

PARLIAMENT HOUSE, 3.00PM, MONDAY 02 FEBRUARY 2015

- Members present:** Lady Wise (Chair)
Sheriff Arthurson (Edinburgh Sheriff Court)
Employment Judge Joseph d'Inverno (SCJC member)
Kenneth Forrest (SCJC member)
Ronnie Conway (Solicitor advocate, Bonnar Accident Law)
Ruth Crawford QC (Advocate)
Paul Reid (SCJC member)
Catherine Molloy (Solicitor, East Lothian Council)
Lauren Wood (SCJC member)
Ian Maxwell (SCJC member)
Professor Frances Wasoff (SCJC member)
Colin Lancaster (Scottish Legal Aid Board)
Denise Swanson (Scottish Government representative)
- In attendance:** Nicola Anderson (Deputy Head, Policy and Legislation Branch, SCS)
- Secretariat:** Luke McBratney (Deputy Legal Secretary, Rules Rewrite Drafting Team)
Mandy Williams (Deputy Secretary, SCJC)
- Apologies:** Yvonne Anderson (Depute in Charge of Offices of Court, Court of Session)

Item 1: Introduction, welcome, apologies and private papers

1. The Chair welcomed those present to the meeting, which was to be solely focussed on developing policy to instruct rules for a new simple procedure, and noted apologies.
2. In light of the restricted agenda, the Chair invited members to comment on any significant developments within their respective areas. Denise Swanson advised

the Committee that the Scottish Government has published its consultation on Expenses and Funding of Civil Litigation Bill and encouraged members to respond. The Committee noted that the consultation includes proposals aimed at increasing access to justice by enhancing funding options and creating greater predictability and certainty in relation to the costs of litigation.

3. The Chair advised the meeting that Carmen Murray had secured a promotion with the Scottish Sentencing Council and recorded thanks to Carmen for all her work with Access to Justice Committee. She advised that Mandy Williams, Deputy Secretary to the SCJC, will be providing interim support to the Committee until a new Secretariat member has been appointed.
4. Members discussed the visit to Edinburgh Sheriff Court to view the small claims court in operation. In particular, members noted the disappointing uptake of referrals to the mediation service, most notably from solicitors. Members also reflected on the large number of cases that called in court for administrative purposes and reflected on the importance of addressing the current inefficiencies.
5. **Members agreed not to publish Papers 3.2 and 3.2A-C.**

Item 2: Previous Meeting

Item 2.1: Minutes of previous meeting [Paper 2.1]

6. **Members agreed the minutes from the previous meeting.**

Item 3: Simple Procedure

Item 3.1: Drafting rules of court

7. Luke McBratney provided members with an overview of the process involved in drafting and making rules of court.

Item 3.2: Rules for a Simple Procedure

8. The Committee considered **Papers 3.2 and 3.2A-B**, on a range of detailed policy proposals for rules on a new simple procedure in the sheriff court to replace small claims and summary cause procedure.
9. Employment Judge d'Inverno advised the Committee of the power to reconsider judgements in the Employment Tribunal and agreed to produce a paper for the Committee providing further detail.
10. **Members agreed on a number of policy options for rules on a new simple procedure.**
11. **Employment Judge d'Inverno agreed to provide the Committee with a paper on the power to reconsider judgements in the Employment Tribunal.**
12. **Members noted that the first set of draft provisions will be available for the next meeting of the Committee.**
13. **Members also noted that policy options for ancillary matters will be further considered at a later meeting once the core procedure is agreed.**

Item 4: Future business

Item 4.1: Date of Next Meeting

14. **Members noted that the next two meetings would be:**
 - **Monday 09 March 2015, 3pm**
 - **Wednesday 06 May 2015, 3pm**
 - **Monday 29th June 2015, 3pm**

Item 5: A.O.C.B

15. There was no other business raised for discussion.