

# SCOTTISH CIVIL JUSTICE COUNCIL

## ACCESS TO JUSTICE COMMITTEE

### MINUTES

PARLIAMENT HOUSE, 3.00PM, MONDAY 08 DECEMBER 2014

- Members present:** Lady Wise (Chair)  
Kenneth Forrest (SCJC member)  
Ruth Crawford QC (Advocate)(from Item 3.3)  
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)
- In attendance:** Luke McBratney (Deputy Legal Secretary, Rules Rewrite Drafting Team)  
Carmen Murray (Policy Officer, SCJC)
- Apologies:** Sheriff Arthurson (Edinburgh Sheriff Court)  
Ronnie Conway (Solicitor advocate, Bonnar Accident Law)  
Employment Judge Joseph d'Inverno (SCJC member)  
Denise Swanson (Scottish Government representative)  
Nicola Anderson (Deputy Head, Policy and Legislation Branch, SCS)  
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. **Members agreed not to publish Paper 3.3.**

3. The Chair welcomed Paul Reid, newly appointed solicitor member of the SCJC, to his first meeting.

## **Item 2: Previous Meeting**

*Item 2.1: Minutes of previous meeting [Paper 2.1]*

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

## **Item 3: Simple Procedure**

*Item 3.1: Examples of rules in other jurisdictions*

5. Luke McBratney provided members with an overview of the different style of rules in other jurisdictions.

*Item 3.2: Overview of the Small Claims Track in England and Wales*

6. Carmen Murray provided members with an overview of the key features of the Small Claims Track in England and Wales.

*Item 3.3: Rules for a Simple Procedure*

7. The Committee considered **Paper 3.3**, on a range of detailed policy proposals for rules on a new simple procedure in the sheriff court to replace small claims and ordinary cause procedure.
8. **Members agreed on a number of policy options for rules on a new simple procedure and deferred some matters to the next meeting.**
9. **Members noted that policy proposals for ancillary or special matters would be provided at a later meeting and that policy options specifically in relation to ADR and lay representation will be tabled for fuller consideration at a later meeting once the core procedure is agreed.**

**Item 4: Future business**

*Item 4.1: Date of Next Meeting*

**10. Members noted that the next two meetings would be:**

- **02 February 2015 (3.00pm)**
- **09 March 2015 (3.00pm)**

**Item 5: A.O.C.B**

11. The Chair informed members that a visit to observe the Edinburgh Small Claims Court had been arranged for late January, ahead of the next meeting, for selected members that had not previously been on a SCJC orientation day and who had minimal prior experience of the small claims court. It was thought that the visit would be helpful to inform the development of the simple procedure rules.