

MEETING OF THE ACCESS TO JUSTICE COMMITTEE

MONDAY 26 JANUARY 2026 – 16:15

JUDGES CONFERENCE ROOM, PARLIAMENT HOUSE, EDINBURGH

DRAFT MINUTES

Present: Lady Carmichael (Chair)
Sheriff Principal Wade (by video link)
Sheriff Martin-Brown (by video link)
Fiona Drysdale
Thomas Docherty (by video link)
Joel Conn (by video link)
Hazel Thoms (by video link)
Emily Bradbury (by video link)
Alison Dillon (SCTS)

In attendance: Paul Bremner (SCTS)
Chris Fyffe (SCTS)
Eleanor Brown (SCTS)

Support: Graeme Welsh (Secretariat)
Sarah Jane McNicol (Secretariat)

Apologies: Susan Young (SG)

Item 1: Welcome and apologies

1. The Chair welcomed those present and noted apologies from Susan Young (SG).

Item 2: Items by Correspondence

2. The Chair introduced paper 2.1, which set out three items by correspondence previously considered by members: an invitation to members to approve questions and a stakeholder list for the call for

evidence on modes of attendance; approval of draft minutes from the meeting held on 25 August 2025, and; an invitation to members to approve redacted statistics within committee papers from the meeting held on 25 August 2025.

3. Members noted the items by correspondence.

Item 3: Work Programme

Item 3.1 Simple Procedure Special Claims (Oral Update)

4. Mr Welsh provided an oral update on this work:

- Rules are drafted and are with the secretariat for review.
- The drafting instruction on the supporting forms is almost complete and will be submitted to LPPO in the next few weeks.
- The secretariat will then prepare the consultation documents and a paper asking members to approve the consultation (second half of 2026). In parallel the rules will be finalised and checked by LPPO so the special claims chapters can be consulted on.

5. Members noted the update.

Item 3.2 Modes of Attendance Consultation Responses (Paper 3.2 and 3.2A)

6. Members discussed the issues raised within the various responses received on the call for evidence on the modes of attendance. Particular matters discussed were:
- Whether the default position should be that hearings are held in-person unless an exception applies (noting that any changes to the rules would require an Equality Impact Assessment);
 - Whether full channel choice should be incorporated into the new rules and how this could be managed at court and sheriffdom level;
 - Should motion procedure remain the procedure for requesting a change to the mode of attendance;
 - How far consistency can realistically be achieved;
 - What guidance should be published to support court users;
 - Whether telephone hearings should be used only a last resort; and
 - What additional data should be captured and maintained to understand the impact of virtual hearings.

7. The Committee agreed that a number of recommendations would be included in a paper to be drafted for the SCJC to consider at its next appropriate meeting.

Item 3.3 Civil Justice Data (Oral Update)

8. Paul Bremner provided an oral update on the developments on civil justice data reporting within SCTS and the new data being published.
9. **Members noted the update.**

AOB

10. **Members agreed that papers 2.1, 3.2 and 3.2A will be published on the SCJC website.**
11. The date of the next meeting will be agreed in due course.

Scottish Civil Justice Council Secretariat

January 2026