

MEETING OF THE ACCESS TO JUSTICE COMMITTEE

MONDAY 24 AUGUST 2026 AT 16:30

JUDGES CONFERENCE ROOM, PARLIAMENT HOUSE, EDINBURGH

MINUTES

Present: Lady Carmichael (Chair)
Sheriff Martin-Brown (by video link)
Fiona Drysdale KC
Thomas Docherty (by video link)
Joel Conn (by video link)
Emily Bradbury
Susan Young (Scottish Government)

In attendance: Edward McHugh (LPPO)
Eleanor Brown (SCTS)
Alison Dillon (SCTS)

Support: Danielle McLaughlin (Secretariat)
Karen Stewart (Secretariat)
Jessica Flynn (Secretariat)
Sarah Jane McNicol (Secretariat)

Apologies: Sheriff Principal Wade,
Hazel Thoms (SLAB)
Chris Fyffe (SCTS)

Item 1: Welcome and Apologies

1. The Chair welcomed those present and noted apologies from: Chris Fyffe (SCTS), Sheriff Principal Wade and Hazel Thoms (SLAB). The chair welcomed Danielle McLaughlin who has been appointed interim Director of SCJC due to Craig McCorkindale's forthcoming retirement.

Item 2: Previous Minutes (Paper 2.1)

2. Paper 2.1, which contained draft minutes from the meeting held on 26 January 2026. **Members approved the draft minutes for publication.**
3. **Members noted there had been no items by correspondence since the last meeting.**

Item 3: Work Programme

Item 3.1 Simple Procedure Special Claims Draft Rules (Papers 3.1, 3.1A)

4. The Chair provided an update on the work programme and advised that the Secretariat and LPPO are discussing the finer details of work planning and timescales to enable the completion of a draft rules instrument by the end of the business year for the purpose of a public consultation.
Members noted the planning update.
5. The Chair introduced paper 3.1, an explanatory policy paper and paper 3.1A, an abbreviated draft rules instrument. The chair shared comments on the papers received from Hazel Thoms. The Committee considered revisions to the draft provisions for simple procedure special claims rules on eviction and personal injury claims.
6. The following draft provisions were approved:

Part 21 - Eviction Claims

- *Draft Rule 21.6 What do you do with an eviction claim form?*
- *Draft rule 21.7 What will the court do with the Eviction Claim Form?*
- *Draft Rule 21.8 How can the Eviction Claim Form be formally served on the respondent?*
- *Draft rule 21.9 How to formally serve the Eviction Claim Form if the claimant does not know the identity of the respondent?*
- *Draft Rule 21.10 How do you respond to an eviction claim?*
- *Draft rule 21.11 What responses can you make?*
- *Draft rule 21.12 What has to go in the eviction response Form?*
- *Draft rule 21.14 What sort of decisions can the sheriff make in an eviction claim?*
- *Draft rule 21.15 When can a decision of the sheriff in an eviction case be recalled?*
- *Draft rule 21.16 How can a party in an eviction case recall a decision of the sheriff?*

Part 22: Personal Injury

- Draft rules 22.1 to 22.7, 22.11, 22.12, 22.14 to 22.19, 22.21 contain no drafting amendments.
- *Draft Rule 22.8 How do you respond to a personal injury claim?*
- *Draft rule 22.9 What responses can you make?*
- *Draft rule 22.10 What has to go in the Personal Injury Response Form*
- *Draft Rule 22.12 What is the Personal Injury Timetable?*
- *Draft Rule 22.13 How can the respondent ask to bring an additional respondent into the case?*
- *Draft rule 22.27 How can a party ask the sheriff to make any other orders*
- *Draft rule 22.20 What is a pre-trial meeting?*
- *Draft rule 22.22 How can a party recover documents during a personal injury case?*
- *Draft rule 22.26 What can the court do with a paused personal injury case?*

7. Some policy matters were discussed:

- Members agreed that the policy intention is that the court rules should not obstruct a claimant in any simple procedure case from proceeding directly to Sheriff Officers' Service where circumstances of the case require this. LPPO is currently considering the drafting revisions necessary to achieve these policy aims.
- The Committee discussed the underpinning policy position on whether or not an eviction case discussion should take place in person in a courtroom.
- A member asked the policy/drafter officials to consider how a shortened induciae will be dealt with in eviction cases.
- Members were invited to note that Part II of the Domestic Abuse (Protection) (Scotland) Act 2021 commenced on 1 August 2026 and provides for applications to the court to terminate one half of a joint tenancy. The Secretariat intends to consult with LIT and LPPO about whether or not these provisions will require any further amendment to the draft SPSC eviction rules and/or forms and will provide further advice and any proposals to the Committee in this regard.
- Policy was affirmed that the draft PI rules should not contain provision for more complex personal injury cases (i.e. mesothelioma claims, claims following a death, or provisional and further damages claims).
- The Secretariat and LIT will provide LPPO with an outline of the required content of a SPSC Personal Injury Timetable in order that a form may be drafted for members' consideration.

8. During members' deliberations some drafting queries arose. Mr McHugh explained the internal LPPO drafting and quality control processes that are carried out in developing a rules instrument. He noted that LPPO would be pleased to consider such matters out with the meeting so that key Committee business may be progressed under the limited time available. Mr Conn offered to submit some comments in writing on a number of drafting points.
9. Due to the lateness of the hour, consideration was paused at Draft rule 22.23 *How can a party ask to vary the Personal Injury Timetable?* and it was agreed that consideration of these papers would resume on a date to be afterwards fixed.

Item 4: Any Other Business

Civil Justice Data

10. Members agreed that it would be helpful in the first instance, for general data to be captured and maintained by SCTS where court time is lost due to IT issues in the Court of Session. After the collection of data is implemented, the Committee wish to examine the position after a period of 6 months to analyse and evaluate the data's fitness for purpose.
11. **Members agreed that paper 2.1 will be published on the SCJC website.**
12. The date of the next meeting will be agreed in due course.

Scottish Civil Justice Council Secretariat

September 2026