

# SCOTTISH CIVIL JUSTICE COUNCIL

## ACCESS TO JUSTICE COMMITTEE

### MINUTES

PARLIAMENT HOUSE, 3.00PM, MONDAY 09 MARCH 2015

**Members present:** Lady Wise (Chair)  
Sheriff Arthurson (Edinburgh Sheriff Court)  
Employment Judge Joseph d'Inverno (SCJC member)  
Kenneth Forrest (SCJC member)  
Ruth Crawford QC (Advocate)  
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:** 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:** Gillian Prentice (Deputy Principal Clerk of Session)  
Denise Swanson (Scottish Government representative)  
Paul Reid (SCJC member)

#### **Item 1: Introduction, welcome, apologies and private papers**

1. The Chair welcomed those present to the meeting.
2. **Members agreed not to publish Papers 2.2, 5.1, 5.1A-C; 6.1A, 7.1A.**

#### **Item 2: Previous Meeting**

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

3. It was agreed that the minutes of the previous meeting should be amended to record Employment Judge d'Inverno agreeing to provide the Committee with a paper on the power to reconsider judgements in the Employment Tribunal.
4. **Members agreed the minutes from the previous meeting with the above amendments.**

*Item 2.2: Progress of actions from previous meetings [Paper 2.2]*

5. **Paper 2.2** was a new tracker created by the Secretariat to update the Committee on the progress of matters considered at previous meetings. It was agreed that the paper is a useful tool to track the ongoing work of the Committee.
6. It was noted that there are ongoing concerns around lay representation and these should be reviewed as soon as possible.
7. **Members noted the progress of actions from previous meetings.**

**Item 3: Proceedings**

*Item 3.1: Update on activity of the SCJC*

8. Mandy Williams provided an update on the activities of the SCJC and SCJC Secretariat.

**Item 4: Forward Work Planner**

*Item 4.1: Update from the Scottish Government on legislative developments [ORAL]*

9. In Denise's absence, no update was provided at the meeting.

*Item 4.2: Update from the Scottish Legal Aid Board on Making Justice Work Project 3: Enabling Access to Justice [ORAL]*

10. Colin Lancaster provided an oral update from the Scottish Legal Aid Board on *Making Justice Work* Project 3: Enabling Access to Justice, highlighting developments which have taken place since the last full meeting of the Committee including the Board's grant funding programme, the development of online tools to resolve

problems under project 3.2 and an update on the progress of jointly funded research under project 3.4.

*Item 4.3: Rules Rewrite: Update [ORAL]*

11. Luke McBratney provided an update on the progress of the Rules Rewrite Project since October last year. In particular, he advised of progress being made by other Committees in relation to Court Reform Implementation.

**Item 5: Simple Procedure**

*Item 5.1 Rules for a Simple Procedure [Papers 5.1 and 5.1A-C]*

12. The Committee considered **Papers 5.1 and 5.1A-B**, on a range of detailed policy proposals for rules on a new simple procedure, along with the first set of draft provisions (**Paper 5.1C**).
13. It was agreed that the paper provided by Employment Judge d'Inverno on the power to reconsider judgements in the Employment Tribunal would be circulated to members and considered at the next meeting.
14. **Members agreed on a number of amendments to the draft provisions.**
15. **Members noted that an amended draft will be available for the next meeting of the Committee.**

**Item 6: Lay Advice and Representation**

*Item 6.1 CAS and Shelter Scotland joint research [Oral and Paper 6.1A]*

*Item 6.2 CAS information on the benefits of advice in court [Oral and Paper 6.2A]*

16. Lauren Wood spoke to the detail of two papers (**Papers 6.1A and 6.2A**) prepared by Citizens Advice Scotland (CAS) which outlines issues around lay advice and representation in Scotland. **Paper 6.1A** is a draft report highlighting ongoing issues around the lack of information around the experiences of those acting as lay representatives. It was agreed that the final report would be provided to the

Committee. **Paper 6.2A** is a briefing prepared during the parliamentary passage of the Court Reform (Scotland) Bill outlining the benefits of advice in courts.

**17. The Committee thanked CAS for agreeing to share Papers 6.1A and 6.2A and noted that these would be useful in the consideration of any future work.**

## **Item 7 Future Business**

### *Item 7.1 Public Correspondence [Papers 7.1 and 7.1A]*

18. Members considered correspondence received relating to the Committee's work.

**19. Members noted the correspondence in relation to the Committee's literature reviews and agreed that any further correspondence relating to areas of work currently "on hold" will be presented to the Committee at the relevant point, in line with its priorities and programme of work.**

20. Members considered the policy proposals contained in **Paper 7.1A**. The Committee acknowledged the difficulties that could arise but noted that there may be representation and data protection issues if the proposals were progressed.

**21. Members agreed to note the proposals in Paper 7.1A at this stage.**

### *Item 7.2 Dates of meetings*

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

- **Wednesday 06 May 2015, 3pm**
- **Monday 29<sup>th</sup> June 2015, 3pm**

## **Item 8: A.O.C.B**

23. There was no other business raised for discussion