

# SCOTTISH CIVIL JUSTICE COUNCIL

## ACCESS TO JUSTICE COMMITTEE

### MINUTES

PARLIAMENT HOUSE, 3.00PM, MONDAY 29 JUNE 2015

- Members present:** Lady Wise (Chair)  
Kenneth Forrest (Advocate, SCJC member)  
Ruth Crawford QC (Advocate)  
Paul Reid (Solicitor, SCJC member)  
Employment Judge Joseph d'Inverno (SCJC member)  
Professor Frances Wasoff (Edinburgh University, SCJC member)  
Lauren Bruce (Citizen's Advice Scotland, SCJC member)  
Ian Maxwell (Families Need Fathers, SCJC member)  
Denise Swanson (Scottish Government)  
Colin Lancaster (Scottish Legal Aid Board)
- In attendance:** Nicola Anderson (Policy and Legislation Branch, SCTS)
- Secretariat:** Luke McBratney (Deputy Legal Secretary, Rules Rewrite Drafting Team)  
Kiera Dargie (Deputy Legal Secretary, LPPO)  
Bridget Lee (SCJC Secretariat)
- Apologies:** Sheriff Arthurson (Edinburgh Sheriff Court)  
Ronald Conway (Solicitor Advocate)  
Catherine Molloy (Solicitor)  
Yvonne Anderson (Depute in Charge of Offices of Court)

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

1. The Chair welcomed those present to the meeting, which would be focusing on the Simple Procedure rules. The Chair then congratulated Lauren Bruce,

formerly Wood, on her recent marriage and Colin Lancaster on his appointment as the next Chief Executive of SLAB.

**2. Members agreed not to publish Papers 2.2, 5.1 and 5.1A-C.**

**Item 2: Previous Meeting**

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

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

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

4. It was noted, that until the Simple Procedure rules had been prepared for consideration by the SCJC, consideration of other matters is on hold.

5. It was also noted that Judge d’Inverno had submitted his paper on reconsideration of judgments in the Employment Tribunal to the SCJC for consideration.

**Item 3: Proceedings**

*Item 3.1: Update on activity of the SCJC*

6. Bridget Lee provided an update on the activities of the SCJC and its Committees.

**Item 4: Forward Work Planner**

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

7. Denise Swanson provided an update on legislative developments in the Scottish Government. The consultation on the Taylor Report has closed and the analysis of the responses is to be published in due course and will be shared with the Committee. Court reform implementation continues to be the main focus of the Scottish Government’s legislative developments. The majority of the court reforms will come into force on 22<sup>nd</sup> September this year and will include the

specialist PI court and the Sheriff Appeal Court (Criminal) jurisdiction. The Sheriff Appeal Court's civil jurisdiction will begin in January and the first summary sheriffs are expected to be appointed in April.

8. *Item 4.2: Update from the Scottish Legal Aid Board on Making Justice Work Project 3: Enabling Access to Justice [ORAL]*
9. Colin Lancaster provided an oral update from the Scottish Legal Aid Board on *Making Justice Work Project 3: Enabling Access to Justice*. He reported that a closure report on this project had recently been made to the Making Justice Work Board at the end of its three year funding programme. This set out the achievements of the programme including the implementation of national standards for advice services and the successful collaboration of local and central government. It is proposed that the project should now become mainstream and go forward under the remit of the Justice Board as part of the Access to Justice stream promoting the reduction of inequality in Access to Justice.
10. The tenders for the researchers for the ADR project were assessed the previous week and the researchers were due to be appointed shortly. Access to the courts had already been arranged and a project manager had been appointed. The Committee will be updated with progress.

*Item 4.4: Rules Rewrite: Update [ORAL]*

11. Luke McBratney provided an update on the work of the Rules Rewrite team since the last meeting. They have had a busy Spring with the first wave of rule changes for the implementation of the Courts Reform (Scotland) Act 2014 ('the Act') being published. The team have also been working on some orders for the Scottish Government. They have a busy Summer ahead with the work on the simple procedure including engaging with both the SCTS and the Scottish Parliament. The Sheriff Appeal Court (Civil) rules are due to be published in the Autumn and then the remaining unimplemented sections of the Act will need to be dealt with. Planning the reform of the civil court rules, 'rules rewrite proper', can then begin.

## **Item 5: Simple Procedure**

### *Item 5.1: Rules for a Simple Procedure [Papers 5.1 and 5.1A-D]*

12. The Committee considered **Papers 5.1 and 5.1A** which set out the main changes that had been made to the draft of the Simple Procedure rules **[Papers 5.1B]**.
13. **The Committee discussed various amendments to the draft provisions and approaches that could be taken to those areas yet to be drafted. It was noted that a further draft will be available for the next meeting in September.**
14. **Members noted Paper 5.1C, that had been prepared for the PI Committee, on the proposals for personal injury and some other forms of special action, arising under the simple procedure.**

## **Item 6: Future Business**

### *Item 6.1: Dates of meetings*

15. **Members noted that the next meeting would be:**
  - **Monday 7<sup>th</sup> September 2015 at 3pm**

## **Item 7: A.O.C.B**

16. There was no other business raised.