

MEETING OF THE SCOTTISH CIVIL JUSTICE COUNCIL
ACCESS TO JUSTICE COMMITTEE
TUESDAY 26 OCTOBER 2021 AT 4.00 PM
VIRTUAL MEETING – CISCO WEBEX

MINUTES

Present:

Lady Carmichael (Chair)
Employment Judge d’Inverno
Sheriff Martin-Brown
Gillian Fyfe (Citizens Advice Scotland)
Dean Purdie
Denise Swanson (Scottish Government)
Colin Lancaster (SLAB)
Joel Conn

Support:

Kelly Jack (Policy Officer, Scottish Civil Justice Council)
Emma Laurie (Policy Officer, Scottish Civil Justice Council)
Graeme Welsh (Secretary, Scottish Civil Justice Council)

Apologies:

Sheriff Principal Turnbull
Christina Bardsley
Fiona Drysdale
Thomas Docherty
Mark Kubeczka (SCTS Legislation Implementation Team)

Item 1: Welcome, apologies and agreement of private papers

1. The Chair welcomed those present and noted apologies from Sheriff Principal Turnbull, Fiona Drysdale, Thomas Docherty, Mark Kubeczka and Christina Bardsley.
2. The Chair introduced Graeme Welsh, Secretary to the Scottish Civil Justice Council to his first Committee meeting.
3. The Chair advised that this would be Emma Laurie's last meeting before she takes up a new role at Scottish Government. The Chair thanked Emma for the support she has provided to the Committee.

Item 2: Previous meeting

Item 2.1 – Items considered by correspondence (Paper 2.1)

4. **Members noted Paper 2.1** which provided a summary of one matter considered by correspondence since the last meeting:

A. Access to Justice Committee – Administrative Matters and Additional Papers:

- i. Paper 2021.15 invited members to approve the minutes of the meeting held on 14 June 2021 and consider and comment on additional papers provided by the Scottish Courts and Tribunals Service.
- ii. Nine responses were received and the minutes to the meeting were published on to the Scottish Civil Justice Council's website. Comments on the additional papers were presented to the Scottish Civil Justice Council by way of verbal update at its meeting on 19th July 2021.

Item 3: Justice System Reform

Item 3.1 – Scottish Civil Justice Council Consultation – Mode of Attendance at Hearings

5. The Committee discussed the Scottish Civil Justice Council's consultation on the mode of attendance at hearings. Members were provided with a copy of two written submissions sent by members to the Secretariat ahead of the meeting.
6. A draft response, based on these two submissions was also provided for member's consideration.

7. Members discussed a number of access to justice matters related to the consultation and considered points for inclusion on a committee response, including but not limited to;
 - the centralisation of legal provisions and consumer choice of legal providers, specifically for users from rural areas;
 - the test applied by the Judge or Sheriff when making the decision on which mode of attendance to use;
 - The distinction between attendance via telephone conferencing and video conferencing;
 - The differences in procedure amongst Sheriff Court rules and the cross referencing implications that may be difficult for some court users to engage with and;
 - The availability of in-court advisors, specifically in cases where the case does not proceed in person.
8. The Secretariat will amend the draft response to include comments raised in the discussion. This will be shared with the Chair and members for approval before submitting this to the Scottish Civil Justice Council for consideration.
9. **Members were content that the response will remain private to the Council and will not be published on the Council's website. Any salient matters raised will be incorporated in to the final consultation analysis document.**

Item 4: AOB

10. There was no other business raised.

Item 5: Date of next meeting

11. To be circulated at a later date.

Scottish Civil Justice Council Secretariat

October 2021