

MEETING OF THE SCOTTISH CIVIL JUSTICE COUNCIL
COSTS AND FUNDING COMMITTEE
TUESDAY 23 MAY 2017 AT 4.15PM
JUDGES CONFERENCE ROOM, LEVEL +2 PARLIAMENT HOUSE

MINUTES

Members Present: Lord Burns

Sheriff Charles Stoddart (Retired)

James Mure QC (Advocate)

Iain Nicol (Solicitor)

Brandon Malone (SCJC member)

Yvonne MacDermid (Chief Executive, Money Advice Scotland)

Ian Dickson (SLAB)

Hamish Goodall (SG)

In attendance: Jane MacDonald (SCTS Legislation Implementation Team)
(Observer)

Support: John Thomson (Deputy Legal Secretary, Lord President's
Private Office)
Mandy Williams (Deputy Secretary to the Scottish Civil Justice
Council)
Andrea Campbell (Policy Officer, Scottish Civil Justice Council)

Apologies: Alan Rogerson (Claims Manager, Aviva)
Kenneth Cumming (Auditor of the Court of Session)

Chris Fyffe, Clerking Services Manager, Offices of the Court of Session (Observer)

Stewart Mullan (Law Accountant)

Item 1: Welcome, apologies and agreement of private papers

1. The Chairman welcomed those present and noted the apologies received from Alan Rogerson, Kenneth Cumming and Chris Fyffe.
2. **The Committee agreed not to publish the following papers: 2.2; 2.3; 3.2; 4.1; 4.1A-B; 5.1; 5.1A-B**

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. **Members noted the progress that had been made on actions since the last meeting.**

Item 2.3 – Items by correspondence (Paper 2.3)

5. **Members noted Paper 2.3**, which provided a summary of the outcome of consideration given to the following matters raised by correspondence since the last meeting.
6. One matter had been considered by correspondence. This was issued to members on the 12 May 2017 and invited members to note draft amendments to the Act of Sederunt (Fees of Sheriff Officers) (No 2) 2002 (“the Fees instrument”).
7. It is intended that the instrument comes into force on 15 June 2017, alongside miscellaneous simple procedure amendments.

Item 3: Work Programme

Item 3.1 – Update from the Scottish Government on legislative developments (Oral)

8. Hamish Goodall provided members with an update on Scottish Government legislation. He intimated that Stage 2 of the Limitation (Childhood Abuse) (Scotland) Bill took place on the afternoon of 23 May and that it had subsequently come to light that it had been completed.
9. Mr Goodall confirmed that the Stage 1 report to Parliament on the Contract (Third Party Rights) (Scotland) Bill supported the general principles of the Bill and that the Stage 1 debate was scheduled for 25 May.
10. Mr Goodall also commented that the consultation carried out on the Damages (Personal Injury) (Scotland) Order in relation to the discount rate had considerable interest with over 130 responses.
11. He confirmed that it is still intended that the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill will be introduced very shortly.
12. **The Secretariat agreed to circulate the Bill when it is published.**

Item 3.2 – Business Tracker (Paper 3.2)

13. **The Committee noted Paper 3.2 which provided an update of the Committee's ongoing work.**

Item 4: Proposals for rules

Item 4.1 – Application for expenses out of the Scottish Legal Aid Fund (Papers 4.1 and 4.1A-B)

14. John Thomson spoke to these papers. Members were asked to consider and offer comment on a revised draft form of notice for use in connection with applications under section 19 of the Legal Aid (Scotland) Act 1986, and a revised draft of amendments to the Civil Legal Aid Rules.
15. The Committee agreed the terms of the draft amendments, and agreed that the revised draft form should be adopted, subject to minor revisals.
16. **It was agreed that the revised draft Act of Sederunt will be circulated to members by correspondence for consideration.**

Item 5: Justice System reform: Taylor Review

Item 5.1 – Rationalisation of rules (Papers 5.1 and 5.1A-B)

17. John Thomson introduced these papers which invited members to resume consideration of draft rules and accompanying Drafting Notes drawn up with a view to combining the implementation of the Taylor recommendations with a wider rationalisation of the rules regulating the expenses that fall to be allowed on taxation of an account of expenses and associated applications to the court.

18. Mr Thomson reported on the first meeting of the Working Group that Kenneth Cumming, Drew Crombie and Stewart Mullan had agreed to serve on. It was noted that the group had considered the structure of the proposed charging unit, the terms of a rule of general application for copying and scanning charges, and the table of detailed / time-and-line charges. **The next Working Group meeting will be held on the 8 June 2017.**

19. The Committee provided comments on the issues raised in the Drafting Notes provided at **Paper 5.1B. It was agreed that a revised draft be considered at the next appropriate meeting, which would take account of the considerations of the Working Group and the Committee.**

Item 6: A.O.C.B.

20. No other business was raised.

Item 7: Dates of future meetings

21. Members noted the dates of future meetings:

- Monday 25 September 2017 at 4.15pm
- Monday 04 December 2017 at 4.15pm

Members agreed the meeting on Monday 10 July 2017 at 4.15pm will not be held.

Scottish Civil Justice Council Secretariat

May 2017