

COSTS AND FUNDING COMMITTEE REMIT

Purpose

1. To invite the Committee to note the update to the Committee's remit, shown at **Annex A**, as approved by the Scottish Civil Justice Council ("the Council"), at its meeting of 11 July 2016.

Background

2. At the Council's meeting of 16 May 2016, the Council considered a paper proposing revision to the remits of all of the Council's Committees. The paper proposed a number of changes in order to standardise the layout of the remits and to bring them up to date.
3. Although the Council saw the benefit of a consistent style and layout for each of the remits, it noted that each remit may require to be framed to take account of the specific interests of each committee.
4. The Council agreed that the Committee remits should be generally framed to include the wider function of the Council to keep the justice system under review. The Council also agreed that it would be useful to include some of the wider justice system reforms within the remits, for example digital reform and alternative dispute resolution.
5. The Council instructed that the Secretariat liaise with the Chair of the Committee, to review the proposed update of the Committee's remit. The updated remit was thereafter, considered and approved by the Chair.
6. The update of the Committee's remit consists of a change in style to the third section of its remit.
7. The Council approved the update of the Committee's remit at its meeting of 11 July 2016.

Recommendation

8. **The Committee is invited to note the revised remit shown at Annex A.**

Scottish Civil Justice Council Secretariat

July 2016

Annex A**Costs and Funding Committee****Previous Remit**

The Committee's remit is concerned with those matters that can be regulated by the Court of Session by rules under-

- the power to make provision about the expenses that may be awarded in civil proceedings in the Court of Session, the sheriff court and the Sheriff Appeal Court;
- the power to make provision about fees in relation to such proceedings;
- the power to make provision about how orders sought in certain proceedings should be valued (for the purpose of the exclusive competence of the sheriff court, and for the purpose of the application of simple procedure); and
- the power to make provision about the rate of interest payable under a decree.

In relation to these matters the Committee has a remit-

- to keep the relevant rules, tables and fees under review;
- to consider proposals for modification and reform; and
- to report to the Scottish Civil Justice Council with its recommendations and, where applicable, draft rules.

In the exercise of the foregoing remit the Committee is to take due account of-

- the need to ensure that actions proceed through the civil courts as expeditiously as possible, and at a cost proportionate to the sum or matter in dispute; and
- the desirability of achieving a consistency of approach in the Court of Session, the sheriff court, and the Sheriff Appeal Court, while recognising the different circumstances of those courts.

Revised Remit

The Committee's remit is concerned with those matters that can be regulated by the Court of Session by rules under-

- the power to make provision about the expenses that may be awarded in civil proceedings in the Court of Session, the sheriff court and the Sheriff Appeal Court;
- the power to make provision about fees in relation to such proceedings;
- the power to make provision about how orders sought in certain proceedings should be valued (for the purpose of the exclusive competence of the sheriff court, and for the purpose of the application of simple procedure); and
- the power to make provision about the rate of interest payable under a decree.

In relation to these matters the Committee has a remit-

- to keep the relevant rules, tables and fees under review;
- to consider proposals for modification and reform; and
- to report to the Scottish Civil Justice Council with its recommendations and, where applicable, draft rules.

In the exercise of the foregoing functions, the Committee is to take due account of the guiding principles of the Scottish Civil Justice Council -

- the civil justice system should be fair, accessible and efficient,
- rules relating to practice and procedure should be as clear and easy to understand as possible,
- practice and procedure should, where appropriate, be similar in all civil courts, and
- methods of resolving disputes which do not involve the courts should, where appropriate, be promoted.