



RESPONDENT INFORMATION FORM

For the TARGETED CONSULTATION: On changes to the Inner House rules

Please note **this form must be completed** and returned with your response

Are you responding as an individual or an organisation?

INDIVIDUAL

ORGANISATION

Your details:

Full name or organisation's name

The Sheriffs and Summary Sheriffs Association

Phone number

Address

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Your views on the publication of your response

Please indicate your preferences with regard to the publication of your response

Publish response with name

Publish response only (without name)

Do not publish response



Providing your response

If you chose to provide a separate written response, then please complete the first page of this Respondent Information Form and attach it to your response.

If you chose to include your responses within this Respondent Information Form, then please insert your responses within the editable boxes that follow:

Question 1 – Given your experience of the practical operation of the rules in use, can you tell us what has worked well, and what has worked not so well?

Members of the Sheriffs' and Summary Sheriffs' Association do not have involvement in the practical operation of Inner House business. Nonetheless we agree with the general direction of the proposed changes in the draft rules accompanying the consultation.

We would observe that the breakdown of case types in Annex 3 gives an interesting picture about broad trends. The decline in Sheriff Court appeals is likely to be a consequence of the Sheriff Appeal Court becoming fully operational.

We note the distribution across categories, and that the largest group, by some way, is other. It is to be hoped that a more refined classification is available. While it is perhaps not essential for the fine-grained changes proposed here, that information might be of value in considering broader questions about appeal management.

Question 2 – Do you wish to provide comments on any of the proposed changes to the Inner House rules as set out within section 3 of this paper?

We have a number of observations.

(a) We note the deletion of existing r38.1, which has been the subject of argument in a number of appeals and reclaiming motions in recent years. No doubt this has been done advisedly, though the rationale is not really mentioned in the covering paper. We note that annotation 38.1.3 in Greens Annotated Rules of the Court of Session lists a number of interlocutors which may not be reclaimed, and we assume consideration has been given to the interaction of those provisions and the proposed new form of rule 38.1.

(b) We agree with the proposed wider list of decisions which can be appealed without leave.



(c) We note that the amendments to r38.12 are described as a simplification. We note that the existing provision about the DPCS referring appeals of doubtful competency to a procedural judge are to be repealed. We do not have any information about how frequently it has been necessary to rely on this provision, which we understand was introduced to enable the competency of inept appeals to be considered by the court at an early stage, in order to minimise the burden on the court and other parties later. It is not immediately apparent there is an equivalent provision, and we wonder the intent is to leave it to the opposing party(ies) to take the point, or perhaps leaving the matter for a procedural judge to discern. We raise for consideration whether it might be preferable to retain a broadly equivalent provision.

Question 3 - Can you suggest any other specific rule changes that might further improve the procedures used by the Inner House?

We have nothing to add.