

**MEETING OF THE SCOTTISH CIVIL JUSTICE COUNCIL**  
**INFORMATION AND COMMUNICATIONS TECHNOLOGY COMMITTEE**  
**MONDAY 27 AUGUST 2018 AT 4.30 PM**  
**JUDGES' CONFERENCE ROOM, PARLIAMENT HOUSE**

**MINUTES**

**Members Present:** Lord Tyre (Chair)  
Lauren Bruce (Consumer representative)  
Fiona Cameron (Head of Justice Digital and Strategy Unit,  
Scottish Government)  
Tony Jones QC  
Gavin MacColl QC  
Craig McCorkindale (Director for Civil Courts Reform, Scottish  
Courts and Tribunal Service)  
Sheriff Sean Murphy  
Sheriff Principal Duncan Murray  
Claire Taylor (Head of IT, Scottish Courts and Tribunal Service)

**Support:** Edward McHugh (Deputy Legal Secretary, Lord President's  
Private Office)  
David Ross (Policy Officer, Scottish Civil Justice Council)

**Apologies:** Nicola Anderson (Head of Legislation Implementation Team,  
Scottish Courts and Tribunals Service)  
Yvonne Anderson (Clerking Services Manager, Court of  
Session)  
Graeme Hill (Scottish Legal Aid Board)  
Lord Woolman

**Item 1: Welcome, apologies and agreement of private papers**

1. The Chair welcomed all those present. Apologies were noted from Nicola Anderson, Yvonne Anderson, Graeme Hill and Lord Woolman.
2. **The Committee agreed not to publish the following papers: 2.1 and 3.1.**

**Item 2: Work Programme**

*Item 2.1 – Update on the activities of the Council and Committees (Paper 2.1)*

3. The Committee noted **Paper 2.1**, which provided an updated on the work being undertaken by the Council and its committees.

*Item 2.2 – Scottish Government update on the Justice Digital Strategy (Oral)*

4. Fiona Cameron provided an update on the Scottish Government's Justice Digital Strategy. Fiona explained that the digital ambitions of justice organisations are currently encapsulated in the publication "[Justice in Scotland : Vision and Priorities](#)" and the associated delivery plan. The Scottish Government's areas of current activity principally relate to criminal justice, with an evidence sharing capability in development and a system level transformation mapping exercise in progress. On civil justice, the Scottish Government is continuing to develop the online resources and information available to citizens in relation to areas of potential civil action. This includes an innovative project to develop an online conversational search tool as part of the Scottish Government's CivTech process.

*Item 2.3 – SCTS update on the ICMS Project and SCTS Digital Strategy (Oral and Paper 2.3)*

5. Craig McCorkindale provided an update on the SCTS's five-year Digital Strategy, which was published in June 2018. Craig explained that it sets out the SCTS's priorities for digital innovation in the courts and tribunals. Priorities in the criminal courts include supporting the Digital Evidence Sharing Capability project, rolling-out video links between courts, prisons and, eventually, police custody units, and creating new purpose built facilities for taking evidence by a commissioner. Regarding civil courts, Craig advised that phase 1 of the Civil Online service is now live. It enables users to access information about simple procedure cases. Phase 2 is expected to go live in the first half of 2019. It will allow simple procedure claims, responses and other documents to be lodged and viewed online. Development of the Integrated Case Management System (ICMS) for the Court of Session is ongoing. Work to improve online services for jurors and enhance SCTS's IT infrastructure is also underway.

*Item 2.4 – European Network of Councils for the Judiciary – Digital Justice Forum (Papers 2.4 and 2.4A-B)*

6. The Chair introduced **Paper 2.4** which invited members to consider the report of the first seminar of the Digital Justice Forum of the European Network of Councils for the Judiciary ("ENCJ") and to comment upon the proposed aims and practical

functioning of the Forum. The report of the seminar was provided at **Paper 2.4A**. The Chair explained that the Digital Justice Forum was established to seek input from judges on the various digital strategies and projects underway across EU justice systems.

7. Members discussed the value in continued Scottish participation in the Forum, particularly in terms of lessons that can be learned about digitization processes in other jurisdictions. Members considered the question of identity assurance in online courts, and whether this was a matter that should be raised with the Forum.

8. **The Committee noted the scope of the work to be undertaken by the ENCJ Digital Justice Forum and agreed that the question of identity assurance would be a suitable point for the Forum to consider.**

### **Item 3: Proposal for rules: policy development**

#### *Item 3.1 – Computer evidence in the Sheriff Court (Papers 3.1 and 3.1A-C)*

9. The Chair introduced **Paper 3.1** which invited members to consider whether the Act of Sederunt (Computer Evidence in the Sheriff Court) 1969 (as amended) should be revoked. The Chair advised that the paper was prompted by a blog by Michael Upton, Advocate. The blog, which was provided at **Paper 3.1A**, explains that any party to civil proceedings in the sheriff court who wishes to rely on a statement contained in a document produced by a computer must comply with specific rules of court contained in the Act. Members considered the practicality of these rules given that the vast majority of documents in civil proceedings in the sheriff court are now produced by a computer.

10. **The Committee agreed that the Act of Sederunt (Computer Evidence in the Sheriff Court) 1969 (as amended) should be revoked and authorised the Lord President’s Private Office to prepare a draft instrument for submission to the Council as soon as possible.**

### **Item 4: AOCB**

11. The Chair informed members that he had received a letter from the Convener of the Law Society of Scotland’s Technology Law and Practice Committee, which sought the view of the Committee on the question of guidance on the recovery and disclosure of electronic documents in commercial actions.

12. **The Committee agreed that the development of guidance was not a matter within its remit and directed the secretariat to arrange for a suitable response to the letter.**

**Item 5: Date of next meeting**

13. The Committee noted that the date of the next meeting is to be confirmed.

**Scottish Civil Justice Council Secretariat**

**August 2018**