

What next in terms of courts reform?

Sheriff Appeal Court (civil)

The Sheriff Appeal Court's civil jurisdiction will commence in January 2016 with appeals from a sheriff to the sheriff principal in civil proceedings being replaced by appeals to the Sheriff Appeal Court.

The Rules Rewrite Committee has considered a substantive set of rules which sets up an entirely new court – the rules cover fundamental issues such as citation, intimation, sanctions, and motions. The [Act of Sederunt \(Sheriff Appeal Court Rules\) 2015](#) was made on 21 October 2015.

Compulsory pre- action protocols

Now that the rules for the personal injury court have been made, the Personal Injury Committee (PIC) is focusing on the development of rules for a compulsory personal injury, pre-action protocol which we anticipate will be introduced in September 2016.

An information gathering exercise around the current use of voluntary pre-action protocols and the possible introduction of compulsory pre-action protocols has already been carried out. The responses to this exercise have informed the work of a small reference group of PIC members and others with direct experience of working with voluntary pre-action protocols. The group worked closely with the drafting team and SCJC secretariat over the summer to develop policy in this area and agree a recommended protocol for consideration by the PIC.

Simple procedure

Since the Courts Reform (Scotland) Act 2014 received Royal Assent on 10th November last year, much of the work of the Access to Justice Committee has focused on the development of the rules for simple procedure, required to implement section 72 of the 2014 Act.

The simple procedure will be a new procedure replacing small claims and summary causes in actions less than £5,000. It is intended that the rules should be understandable to lay people with a purpose of helping party litigants navigate their way through the process of bringing what are currently small claims or summary cause actions. For example, the procedure is currently drafted as a series of questions and answers such as 'what are the sheriff's powers?' and 'how do you make a claim?'.

We have recently published a [consultation paper](#) seeking views on the draft rules for simple procedure and would very much welcome your views. Implementation of simple procedure is planned for the end of November 2016.

At the same time the PIC will also be turning its attention to developing simple procedure personal injury rules which will, as far as is possible, adopt the style and language of the new simple procedure. Until those rules are finalised the existing summary cause rules will continue to apply to personal injury actions raised in local sheriff courts.

“Rewrite proper”

And finally, as implementation of the 2014 Act concludes, the Council is turning to “rewrite proper”, where the drafters will be looking at the entire set of court rules to see how they might be improved. We are soon to embark on a comprehensive rewrite of all of Scotland’s civil court rules, from the ground up.