



Scottish
Civil Justice
Council



**Scottish Civil Justice Council
Annual Report 2019/2020
and
Annual Programme 2020/21**

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Chair's Foreword

It is a pleasure to introduce the seventh Annual Report of the Scottish Civil Justice Council, covering the period from April 2019 to 31st March 2020.

Throughout this period the Council and its committees have continued to respond to rules requests in light of new legislation and policy initiatives. New rules, as well as amendments to existing rules have been enforced over a broad spectrum of subject matter, from Reporting Restrictions to various 'Brexit' Related instruments. A total of 10 sets of draft rules have been prepared by the Council and given legal effect by the Court of Session.

Council has also continued to support the wider programme of civil court reform envisaged by the Scottish Civil Courts Review (the Gill Review). The Council continues to push for major reforms and build on its success of reviewing judicial review procedure, as well as continuing to review and reform the Simple Procedure Rules and implementing the various aspects of the complex Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018. Despite the difficulties posed by the United Kingdom's exit from the European Union, the Council continues to work towards implementing key initiatives.

As always, I am grateful for the support of Council and Committee members and specialist working groups. The dedication of these members is vital in ensuring that work is progressed. I am grateful also to the Council's Secretariat and to the staff of the Lord President's Private Office for their hard work and commitment over the course of the year.



**The Rt. Hon. Lord Carloway
Lord President and Lord Justice General
Chair of the Scottish Civil Justice Council**

About us

Introduction

The Scottish Civil Justice Council (the Council) was established on 28 May 2013 under the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 (the 2013 Act). It is responsible for preparing draft rules of procedure for the Court of Session and for civil proceedings in the sheriff court. It also has the function of providing advice and making recommendations to the Lord President on the development of the civil justice system in Scotland.

Objectives and functions

The Council's key functions are:

- keeping the civil justice system under review;
- reviewing the practice and procedure followed in the Court of Session and in civil proceedings in the Sheriff Appeal Court and the sheriff court;
- reviewing the practice and procedure followed in inquiry proceedings under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016;
- preparing and submitting to the Court of Session draft civil procedure rules, draft fees rules and draft inquiry procedure rules; and
- advising and making recommendations to the Lord President on the development of and changes to the civil justice system in Scotland.

Guiding principles

Under section 2 of the 2013 Act, the Council must have regard to the following principles when carrying out its functions:

- 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.

In order to ensure that these statutory guiding principles are built into the work of the Council, an assessment of compatibility with each of the principles is carried out every time the Council considers new rules proposals.

In addition, these principles are incorporated into the individual remits of each Council committee to ensure all committees have regard to them when formulating rules proposals.

Who we are

Membership

The Scottish Civil Justice Council is to have not more than 20 members, encompassing a range of interests and experiences across the civil justice system.

The categories of membership are provided for in the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013, as follows:

Judicial members

- The Lord President (Lord Justice Clerk may deputise) (Chair)
- At least 4 judges, including a minimum of 1 judge of the Court of Session and 1 sheriff principal or sheriff

Standing appointments

- The Chief Executive of the Scottish Courts Service
- The principal officer of the Scottish Legal Aid Board
- 1 member appointed by the Scottish Ministers

Legal members

- at least 2 practising advocates (“advocate members”)
- at least 2 practising solicitors (“solicitor members”)
- at least 2 persons (“consumer representative members”)
- up to 6 other persons considered by the Lord President to be suitable to be members of the Council (“LP members”).

Category	Position	Name
Chair	The Lord President and Lord Justice General, by virtue of that office	The Right Hon. Lord Carloway
Ex officio members	Chief Executive of the Scottish Courts and Tribunals Service, by virtue of that office	Eric McQueen
	Principal officer of the Scottish Legal Aid Board, by virtue of that office	Colin Lancaster
	1 member appointed by the Scottish Ministers	Gavin Henderson
Judicial members Appointed by the Lord President	At least 4 judges including a minimum of: 1 judge of the Court of Session, and 2 sheriffs principal or sheriffs	The Right Hon. Lord Boyd of Duncansby (Deputy Chair) The Hon. Lady Carmichael Sheriff Principal Murray Sheriff Hughes Sheriff Way
Advocate members Appointed by the Lord President in consultation with the Faculty of Advocates	At least 2 practising advocates	Lynda Brabender QC Kenneth Campbell QC
Solicitor members Appointed by the Lord President in consultation with the Council of the Law Society of Scotland	At least 2 practising solicitors	Joel Conn Elena Fry Jacqueline Harris
Consumer representative members Appointed by the Lord President in consultation with the Scottish Ministers	At least 2 persons who, between them, appear to the Lord President to have — (i) experience and knowledge of consumer affairs, (ii) knowledge of the non-commercial legal advice sector, and (iii) an awareness of the interests of litigants in the civil courts, and	Thomas Docherty
LP members Appointed by the Lord President in consultation with the Scottish Ministers	Up to 6 other persons considered by the Lord President to be suitable to be members of the Council	Employment Judge Joseph d'Inverno Brandon Malone

The Council has nominated a number of observers to attend Council and committee meetings in order to assist in the carrying out of its functions. In addition to the members above, the following observers attend Council meetings:

Cameron Stewart	Director of Development and Innovation, Scottish Courts and Tribunals Service
Nicola Anderson	Legislation Implementation Team, Scottish Courts and Tribunals Service
Diane Machin	Deputy Principal Clerk of Session, Scottish Courts and Tribunals Service

Committees

The Council has established the following committees to assist it in carrying out its work:

Committee	Chair	Remit & Functions	Date established
Access to Justice	The Hon. Lady Carmichael	This Committee monitors the effect on access to justice and the operation of the civil justice system; to keep relevant rules under review; to develop and consider proposals for modification and reform and, where appropriate, to draft rules for SCJC consideration.	23 September 2013
Costs and Funding	The Hon. Lord Burns	This Committee is concerned with matters that can be regulated by the Court of Session Rules in civil matters including award of expenses and fees provisions. The Committee keeps the relevant rules, tables and fees under review; It considers proposed reforms and puts forward recommendations and draft rules when applicable, to the SCJC.	18 September 2013
Family Law	The Hon. Lady Wise	This Committee is concerned with family actions and cases involving children. It keeps the family law civil rules under review; makes proposals for change; aims to ensure, via court rules and guidance, that cases are dealt with expeditiously and efficiently; reviews, develops and promotes a case management structure; reports to the SCJC with recommendations for change and drafts new rules where required. At its core, the Committee has, as a paramount consideration, the welfare of children.	10 June 2013
Information and Communications	Vacancy	This Committee considers how ICT can be used effectively within the Scottish civil courts; to make recommendations to the	23 September

Technology		SCJC with regard to initiatives relating to the use of ICT; to review the rules of court and propose reform and draft rules where appropriate.	2013
Personal Injury	The Hon. Lord Armstrong	This Committee keeps the relevant personal injury civil rules under review; makes proposals for change; develops rules relating to action to be taken before proceedings are brought and encouraging fair, just and timely settlement of disputes; make provision for any type of personal injury claim of any value at any stage of proceedings; and report to the SCJC with recommendations for change and new rules where necessary.	23 September 2013
Rules Rewrite	The Rt. Hon. Lord Carloway, Lord President	This Committee oversees the management of the Rules Rewrite Project (RRP); develops a framework for reviewing new rules prepared under RRP & reforms under the Courts Reform (Scotland) Act 2014; considers issues that do not fall under remit of any other Committee.	10 June 2013

Support

The Scottish Courts and Tribunals Service (the SCTS) provide secretariat support for the Council. The Secretariat consists of one Secretary, a Secretariat Business Manager, a Policy Manger, 2 policy officers and 1 administrative support role.

Legal support is provided by the Lord President's Private Office, which is staffed by government lawyers on secondment from the Scottish Government Legal Directorate.

Key achievements and ongoing work

The Council's work during the period 2019/2020 can be categorised into four different strands:

1. Continued implementation of major justice system reform projects;
2. Consideration of primary and subordinate legislation and developments in case law and the subsequent preparation and consideration of rules;
3. Consideration of potential improvements to procedures which can be taken forward without primary legislation; and
4. Review of new rules developed by the Council, where the Council has agreed to a review exercise.

1. Justice System Reform

The Council's work during 2019/20 has focused on three major initiatives:

- 1.1. Civil Courts Reform
- 1.2. Sheriff Principal Taylor's Review of Expenses and the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018
- 1.3. Brexit Related Work

1.1 Civil Courts Reform

Supporting the reform of the Civil court system continues to be a major focus of the Council's work. The Council has continued to work on various topic to implement reforms underpinned by the Courts Reform (Scotland) Act 2014. In this reporting year, Brexit has presented the Council with considerable uncertainty on the potential impact on courts and civil justice system more widely. Substantive reforms are likely take place. However, the Council recognise the importance of implementing the outstanding recommendations of the Scottish Civil Courts Review. It is the job of the Secretariat to assign a realistic and achievable timescale to carry out this work moving forward.

Implementation of the remaining recommendations of the Scottish Civil Courts Review

There are wider recommendations contained in the Scottish Civil Courts Review that can be taken forward without primary legislation. Work has been undertaken in some of these areas in 2019/20. Summaries are provided on these areas below:

Compulsory pre-action protocols

This work is being progressed by the Personal Injury Committee (“the Committee”).

A personal injury pre-action protocol was introduced in November 2016. In the same year the Committee established a sub-group which drafted a compulsory pre-action protocol for clinical negligence cases. In this reporting year, the sub-committee focused on the development of the protocol relating to clinical negligence cases. A summary of work can be found below:

Clinical negligence

The Council secretariat has had ongoing engagement with the sub-group throughout this year to develop policy and rules relating to the Clinical Negligence Pre Action Protocol. Once finalised by the sub-group, it will be passed to the Personal Injury Committee for final comments before going to Council. An accompanying fee structure will also be developed by the Costs and Funding Committee.

Judicial case management in family actions

This work is being considered by the Family Law Committee (“FLC”), who have been looking at the operation of Chapter 33AA and the case management of family actions more generally throughout the year. The FLC have continued to scrutinise this closely and have considered the practical implications of the changes to the Sheriff Courts throughout the reporting year. The FLC are now considering draft rules, prepared by the Lord President’s Private Office.

Tribunals

The Tribunals (Scotland) Act 2014 makes provision for the Council’s functions to be widened to include the Scottish Tribunals. The Scottish Government has confirmed that the relevant section of the 2014 Act will not be brought into force until such time as devolved tribunals are transferred in to Scottish Tribunals. That is not expected to be complete until 2022.

1.2 Sheriff Principal Taylor's Review of Expenses and Funding of Civil Litigation in Scotland and the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018

A large piece of ongoing work in the last reporting year has related to implementing the recommendations made in the Civil Litigation (Expenses and Group Proceedings)

(Scotland) Act 2018. The 2018 Act implements Sheriff Principal Taylor’s recommendations relating to:

- success fee agreements;
- qualified one-way costs shifting;
- expenses against third-party funders; and,
- awards of expenses against legal representatives.

The Council’s Costs and Funding Committee is leading this work and has undertaken policy development work on Sections 8, 9 and 11 of the Act in the last year. Rules are currently being drafted for these sections by the Lord President’s Private Office.

Part 4 of the Act focuses on Group Proceedings. The Council identified the development of rules and policy in relation to this section as an urgent priority. A working group was established in January 2020 to focus on the creation of rules relating to group proceedings in Scottish Courts. The working group is supported by the Secretariat and the Lord President’s Private Office and is made up of council and committee members and others appointed who have expertise in the field. Members of the group considered the development of court rules and the policy underpinning them.

1.3 Brexit-related work

The United Kingdom formally withdrew from the European Union in 2020 (“Brexit”). On the 31st of January 2020, the UK entered a “transition period” that will end on the 31st of December 2020. For some time there has been ongoing consideration about how the impact of Brexit on rules of court can be dealt with. Many rules of court give effect to EU measures, for service of documents and the recognition and enforcement of decrees, amongst others. During this reporting year and as a result of Brexit, considerable resources (specifically within the Lord President’s Private Office) were used in scoping the potential implications and in amending existing court rules (see Summary of Rules Prepared section for specific Brexit related instruments). Some of the Council’s work has lost ground as a result. The Council will continue to scope and monitor the need for rule changes throughout the transition period.

2. Consideration of primary and subordinate legislation and developments in case law and the subsequent preparation and consideration of rules

One of the Council’s functions is to review court rules and procedure in light of changes in the law, either through new legislation or developments in case law. This work can often be reactive, and it can be difficult to plan for. As a result, the work may impact existing

priorities. This has been especially true during 2019/20 where Brexit created considerable uncertainty for the Council's ongoing work priorities.

During 2019/20, this function included consideration of the policy in relation to, and drafting rules for the **Human Fertilisation and Embryology Act 2008**, the **Proceeds of Crime Act 2002** and **Chapter 42A of the Rules of Court of Session 1994**. A full list of the rules made by the Court of Session following submission of draft rules by the Council can be seen in the "[Summary of Rules Prepared](#)" section. A selection of work undertaken as a result of case law and changes in legislation can be found below:

Proceeds of Crime Act 2002

The Council considered a policy paper from the Home Office regarding Proceeds of Crime Act 2002 (POCA) (External Investigations and External Orders and Requests) (Amendment) Order 2018 in this reporting year. Rules were prepared for Council and issued via correspondence. The approved rules came in to force on the 28th of December 2019.

The rules instrument amends the Rules of the Court of Session 1994 and the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999 as a consequence of the 2018 Order. The new rules regulate the procedures for handling new types of court applications to assist other countries. They make equivalent provision (with necessary modifications) to the rules enacted for applications in domestic proceedings which were introduced into POCA by amendments under the Criminal Finances Act 2017.

Judicial Rate of Interest

The decision of the Inner House in *Farstad AS v Enviroco Limited* was identified as a priority for Council to consider in its programme for 2018/19. There have been concerns that the current Judicial Rate of Interest is too high and is unfair to some consumers. The Council's Secretariat had started to research this matter in 2019/20.

However, it came to the attention of the Council that the Accountant in Bankruptcy (AiB), an executive agency of the Scottish Government, was consulting on the changes introduced by the Bankruptcy and Debt Advice (Scotland) Act 2014. This consultation contained questions on the Judicial Rate of Interest.

The Council submitted a response to this consultation in February 2020. The response notes that the Council welcomes the proposals to review the Judicial Rate of Interest. At a Council meeting in February 2020, members indicated that the current rate was not appropriate in certain civil actions and should be reviewed as a matter of urgency. The consultation response also noted that the Council may not have the necessary powers to review and change the rate. Indeed, primary legislation may be required if amendments are desired so as to alter or create a mechanism to make the changes to the rate. In the meantime, the Council has agreed to await the outcome of the AiB consultation.

Children (Scotland) Bill

The reforms proposed in the Children (Scotland) Bill are likely to present the Council with considerable work in the coming year in relation to considering the impact of the proposed legislative changes on civil proceedings in family actions. The Secretariat will continue to monitor the bill's parliamentary progress and engage with the Scottish Government in relation to potential rule changes.

3. Consideration of potential improvements to procedures which can be taken forward without primary legislation

One of the Council's functions is to review current practice and procedure in the courts. Where a shortcoming is identified, the Council can consider proposals for amendment of rules. The Council can also consider changes in response to wider policy initiatives developed by government, general requests for changes to rules, or of its own accord. Examples of work progressed this year without any primary legislation include:

Amendment to Chapter 42A RCS

During 2018/19, the Personal Injury Committee began to consider proposals to amend Chapter 42A of the Rules of the Court of Session (case management of certain personal injuries actions). In 2019/20, the Personal Injury Committee continued to scrutinize draft rules and develop policy with support from the Secretariat. A focus group, made up of experts in the field, met in this period to consider the draft rules and accompanying practice note. After this exercise was completed and an informal, targeted consultation with stakeholders was carried out, **rules were made and came in to force on the 1st of March 2020.**

4. Review of rules

The Council is committed to the review of new rules it develops. However, this work can be as time-consuming as the initial development of the rules. Accordingly, review work will and has been progressed as and when resources allow or there is a clear and pressing need for rules to be amended. It is anticipated that the following rules will be reviewed in 2020-21:

Act of Sederunt (Simple Procedure) 2016

This review has been an ongoing priority for the Council with the Access to Justice Committee leading this work. The Committee continues to develop policy and has instructed the Lord President's Private Office to draft various amendments to the rules, including matters relating to time limits for appeal, lists of evidence, documents and witnesses. A revised rules instrument is being drafted to reflect the outputs of the review and will be circulated to members once complete.

The Committee is also considering a rules request from the Scottish Courts and Tribunals

Service relating to the use of Civil Online in simple procedure cases.

Act of Sederunt (Rules of the Court of Session, Sheriff Appeal Court Rules and Ordinary Cause Rules Amendment) (Taxation of Judicial Expenses) 2019

These rules are due to being reviewed in the upcoming reporting year. It had been agreed the rules would be reviewed 12-18 months after their commencement to consider their operation in practice. This review is in relation to the operation of rules 42.1 and 42.2 on propagation of time limit for lodging accounts of expenses after a finding of expenses. The review will be led by the Council's Cost and Funding Committee. Continual review of sections of the Act was to take place during the 2019-2020 planning period as a result of practitioner feedback, however due to the impact of Covid-19 restrictions on Council business this work has been delayed.

Formal Recommendations

Another function of the Council is to advise and make recommendations on the development of and changes to the civil justice system in Scotland. Section 3 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013 ("the 2013 Act") provides the Council with the power to take such action as it considers necessary or desirable in pursuance of this function. According to section 5(3) of the 2013 Act, the Council's Annual Report must include a summary of the recommendations made by the Council during the period covered by the report.

During the reporting year 2019/2020, the Council made no formal recommendations under Section 3(2)(f) of the 2013 Act.

Summary of Rules Prepared

This section provides details of the draft rules submitted by the Council to the Court of Session during 2019/20 for consideration. It contains rules submitted in relation to the Council's work areas discussed above.

- The [Act of Sederunt \(Summary Applications, Statutory Applications and Appeals etc. Rules Amendment\) \(Labour Market Enforcement Orders\) 2019](#) was made on the 17th of April and came in to force on the 18th of May 2019. The Act of Sederunt makes provision for applications for labour market enforcement orders under section 19 of the Immigration Act 2016 (c.19) to be made by summary application and for applications for their variation or discharge to be made by minute in the process of the original order.
- The [Act of Sederunt \(Rules of the Court of Session 1994 and Child Care and Maintenance Rules 1997 Amendment\) \(Parental Orders\) 2019](#) was made on the 24th of April 2019 and came in to force on the 24th of May 2019. This Act of Sederunt

amends the Rules of the Court of Session 1994 and the Act of Sederunt (Child Care and Maintenance Rules) 1997 in consequence of the coming into force of section 54A of the Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018. The rules amendments now enable single persons to apply for parental orders under the Human Fertilisation and Embryology Act 2008 ensuring the civil justice system is fair, accessible and efficient for court users.

- The [Act of Sederunt \(Rules of the Court of Session 1994 and Summary Applications, Statutory Applications and Appeals etc. Rules 1999 Amendment\) \(Proceeds of Crime\) 2019](#) was made on the 24th of April 2019 and came in to force on the 1st June 2019. This Act of Sederunt makes provision for rules to regulate the procedures for new types of court application provided for under amendments to ACSA and POCA introduced by the Criminal Finance Act 2017.
- The [Act of Sederunt \(Rules of the Court of Session 1994 and Sheriff Court Company Insolvency Rules Amendment\) \(Insolvency\) 2019](#) was made on the 17th of July 2019 and came in to force on the 16th of August 2019. This Act of Sederunt makes three amendments to the court rules on corporate insolvency.
 - Paragraph 2(2) inserts a new paragraph (1A) into rule 74.30A of the Rules of the Court of Session 1994 to set out what must be contained in an application under section 176A(5) of the Insolvency Act 1986 (c.45). This was previously prescribed by rule 7.13A of the Insolvency (Scotland) Rules 1986 (S.I. 1986/1915) but was omitted when those Rules were replaced.
 - Paragraph 3(2) inserts into the Sheriff Court Company Insolvency Rules 1986 references to additional sections in the Insolvency Act 1986 so as to impose an obligation on the sheriff clerk to send to the liquidator a certified copy of the interlocutor appointing the liquidator. Paragraph 3(3) inserts equivalent provision into Rule 31A of those Rules to that inserted by paragraph 2(2) of this Act of Sederunt into the Rules of the Court of Session 1994.
- The [Act of Sederunt \(Rules of the Court of Session 1994 Amendment\) \(Signature of Petitions and Answers\) 2019](#) was made on the 13th of September 2019 and came in to force on the 16th of October 2019. This Act of Sederunt amends rule 4.2 (signature of documents) of the Rules of the Court of Session 1994. Paragraph 2 inserts new subparagraph (3)(ca) which provides that agents can sign a petition in Form 58.3 on behalf of and with authority of counsel in certain circumstances, and new paragraph (10) which provides that the rules in (3)(ca) also apply to answers to a petition in Form 58.3.
- The [Act of Sederunt \(Challenges to Validity of EU Instruments \(EU Exit\) in the Sheriff Appeal Court and Sheriff Court\) 2019](#) was made on the 21st of October 2019 and came in to force on exit day. This Act of Sederunt makes provision for procedures to be followed in civil proceedings in the Sheriff Appeal Court and before the sheriff, and prescribes court forms, in consequence of the Challenges to Validity of EU Instruments (EU Exit) Regulations 2019 (S.I. 2019/673).
- The [Act of Sederunt \(Challenges to Validity of EU Instruments \(EU Exit\) in the Court of Session\) 2019](#) was made on the 21st of October 2019 and came in to force on exit

day. This Act of Sederunt amends the Rules of the Court of Session 1994 by inserting new Chapter 108 which provides court rules, and accompanying forms, which are required in consequence of the Challenges to Validity of EU Instruments (EU Exit) Regulations 2019 (S.I. 2019/673).

- The [Act of Sederunt \(Rules of the Court of Session 1994 and Summary Applications, Statutory Applications and Appeals etc. Rules 1999 Amendment\) \(Proceeds of Crime\) \(No.2\) 2019](#) was made on the 27th of November 2019 and came in to force on the 28th of December 2019. This Act of Sederunt amends the Rules of the Court of Session 1994 and the Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999 in consequence of the Proceeds of Crime Act 2002 (External Investigations and External Orders and Requests) (Amendment) Order 2018.
- The [Act of Sederunt \(Rules of the Court of Session 1994 Amendment\) \(Case Management of Certain Personal Injuries Actions\) 2019](#) was made on the 27th of November 2019 and came in to force on the 1st of March 2020. This Act of Sederunt provides for a number of changes to the operation of Chapter 42A of the Rules of the Court of Session, including a longer period between the closing of the record and the By Order Adjustment Roll hearing (which is re-named as a case management hearing) taking place, as well as a staggered approach for the exchange of information during the 12 week period following the lodging of the closed record.
- The [Act of Sederunt \(Rules of the Court of Session 1994, Sheriff Appeal Court Rules and Sheriff Court Rules Amendment\) \(Reporting Restrictions\) 2020](#) was made on the 12th of February 2020 and came in to force on the 2nd of March 2020. This Act of Sederunt amends the Rules of the Court of Session 1994, Act of Sederunt (Sheriff Appeal Court Rules) 2015, Ordinary Cause Rules 1993 and Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999. The amendments have the effect of requiring that where the judge or court, as the case may be, is considering making a reporting restriction order then an interim order must always be made first.

Annual Programme for 2020/2021

Summary of key priorities for 2020/21

Under section 5 of the Scottish Civil Justice Council and Criminal Legal Assistance Act 2013, the Council must prepare an annual plan setting out its objectives and priorities for each yearly period beginning on 1 April before the start of that period (“the programme”).

In February 2020, the Council agreed its priorities for 2020/21 which can be found in the table below. Subsequent to this however, the impact of COVID-19 restrictions has meant that the majority of Council business was suspended for a period of time in recognition of staff resource and to prioritise key areas of work, such as the delivery of Group Proceedings which was implemented at the end of July 2020.

High	<ul style="list-style-type: none"> • Rules of the Court of Session: Chapter 42A: Case management of certain personal injuries actions • Proceeds of Crime Act - Part 11 Order • Implementation of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 • Rules Review: Act of Sederunt (Simple Procedure) 2016 • Case management in sheriff court family actions • Judicial rate of Interest • Extension of Simplified Divorce • Review of Inner House Rules
Medium	<ul style="list-style-type: none"> • Lay representation, lay support and party litigants • Compulsory pre-action protocols: clinical negligence • Compulsory pre-action protocols: disease • Ordinary Cause Rules: procedures for appointment of assessors under the Equality Act • Rules Review: Sheriff Appeal Court Rules: 2015 No.356 Act of Sederunt (Sheriff Appeal Court Rules) 2015
Low	<ul style="list-style-type: none"> • EU Small Claims - Implementation of EU regulation 2015/2421

Full information about the Council and its activities are available at www.scottishciviljusticecouncil.gov.uk. The website is updated regularly with news about the Council and provides full details of Council and committee meetings, publications, draft rules under consideration and new rules made.

The Council publishes a newsletter, *Update*, providing information about ongoing work. *Update*, is published around four times per year and can be accessed via the [publications](#) page of the website. If you would like to be added to our email list to receive links to future editions, please contact us.

You can also follow us on Twitter @ScottishCJC for the latest updates.

The Council welcomes all feedback in relation to the practical workings of the rules of court. You can contact us as follows:

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