

UPDATE



Scottish
Civil Justice
Council

The newsletter of the
Scottish Civil Justice Council

ISSUE 23: April 2021



Welcome to April 2021's edition of the SCJC newsletter.

The Covid-19 pandemic has had a significant impact on the Council's business and resources, however we have adapted to ensure that our key priorities can continue to be progressed. Most significantly, this has included work on a number of key developments which have been progressed since our last update and we are pleased to provide an overview of this work within this newsletter:

- [Council activity](#), ongoing work and meetings
- [New Rules](#)
- [Committee Business updates](#)
- [Appointments](#)

Consultations, publication and other developments:

Consultation – Review of the rules that temporarily make the use of Civil Online mandatory for Simple Procedure Claims. Read more [here](#).



Lord Carloway

Lord President of the Court of Session,
Chair of the SCJC.

Latest news

New rules [Act of Sederunt \(Rules of the Court of Session 1994 and Sheriff Court Rules Amendment\) \(Miscellaneous\) 2021](#) came into force on 01 March 2021.

This Act of Sederunt amends various Forms in the appendices of the Rules of the Court of Session 1994 and the Ordinary Cause Rules 1993. The Forms for simplified divorce and dissolution of civil partnership applications, are amended in consequence of the United Kingdom's withdrawal from the European Union.

You can [find more](#) information on these developments on our [website](#).

The Council welcomes feedback in relation to the practical workings of the rules of court.

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Council Activity

Council Strategy Meeting – 01 March 2021

The Council convened a virtual meeting on 01 March 2021 to consider business priorities and planning for 2021/22 as well as the business and resourcing impacts arising as a result of the Coronavirus pandemic.

The business approved for 2021/22 includes a number of matters carried forward from last year's [work programme](#) and incorporates the following strategic priorities;

- Mandatory Online Submission (*of Simple Procedure Claims*)
- Rules Rewrite/New Civil Procedure/digitisation
- Simple Procedure Special Claims

[Minutes](#) of the meeting are available on the Council's website.

Council meeting – 26 April 2021

The Council will convene a virtual meeting on 26 April to consider a draft rules instrument regulating procedures for Qualified One-Way Costs Shifting under section 8 of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018. The Scottish Government has laid the relevant commencement order bringing section 8 of the Act into force on 30 June 2021.

Council meetings are scheduled on the following dates:

- Monday 24 May 2021
- Monday 19 July 2021
- Monday 18 October 2021

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Council Activity (continued...)

Since the last [update](#) published in January the Council has considered a number of items by correspondence:

- **Simplified Divorce and Dissolution** – Sheriffs Principal Murray and Sheriff Hughes were consulted by Court of Session under expedited procedures for clearing Brexit Instruments.
- **Fees Amendment – SMASO** – invited members to approve a fee increase to Tables of Fees.
- **Committees, appointments and tenures** – invited members to approve various re-appointments of members at committee level – [see page 6](#) for further details of appointments.
- **Administrative matters** – invited members to approve the minutes of the 1 March 2021 Council meeting.

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New Rules

This section details rules that have been approved by the Court of Session and embodied in an Act of Sederunt.

- The [Act of Sederunt \(Rules of the Court of Session 1994 and Sheriff Court Rules Amendment\) \(Miscellaneous\) 2021](#) amends various Forms in the appendices of the Rules of the Court of Session 1994 and the Ordinary Cause Rules 1993. The Forms, for simplified divorce and dissolution of civil partnership applications, are amended in consequence of the United Kingdom's withdrawal from the European Union.

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Committee business update

To ensure the health and safety of our staff and members during the Covid-19 pandemic, committee meetings will be scheduled virtually during 2021 and matters will be considered by correspondence when appropriate.

The [Costs and Funding Committee](#) has consider the following items by correspondence:

- **Civil Litigation (Expenses and Group Proceedings) (S) Act 2018 -section 8 – QOCS**
A revised rules instrument was considered by members and was shared with the Council's Personal Injury Committee for comment. The draft instrument has been submitted to Council and will be considered at the Council's next meeting on 26 April 2021.
- **Review of Fees – sheriff officers and messengers-at arms**
The Committee's ongoing work on the review of fees of sheriff officers and messengers at arms is nearing conclusion. The Committee has submitted a draft rules instrument containing proposals for revised tables of fees to the Council for consideration.

The [Access to Justice Committee](#) has considered the following items by correspondence:

- **Civil Online Rules Review**
Invited members to consider a draft questionnaire and stakeholder list on the Civil Online rules ahead of publication of the consultation.

The [Personal Injury Committee](#) has considered the following item by correspondence:

- **Civil Litigation (Expenses and Group Proceedings) (S) Act 2018 -section 8 – QOCS**
Members considered a draft instrument proposed by the CAFC and submitted a number of comments on the draft provisions.

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Appointments



- **Sheriff Hughes** was reappointed to both the Council and the Costs and Funding Committee for a further period of three years, effective from 11 March 2021.
- **Sheriff Martin-Brown** was reappointed to the Access to Justice Committee for a further period of three years, effective from 08 February 2021.
- **Sheriff Tait** was reappointed to the Family Law Committee for a further period of three years, effective from 14 March 2021.
- **Marie-Louise Fox** has recently been appointed to the Family Law Committee as a new member from the Scottish Legal Aid Board for a period of three years, effective from 26 March 2021.
- **Jacqueline Harris** was reappointed to both the Council and the Rules Rewrite Committee for a further three years, effective from 25 January 2021.
- **Andrew Henderson** was also reappointed to the Costs and Funding Committee for a further three years, effective from 08 February 2021.
- **Campbell Normand** was reappointed to the Personal Injury Committee for a further three years, also effective from 08 February 2021.

You can view the full membership of the Council and its Committees on our [website](#).