

ITEM 6.5: RULES REWRITE WORKING GROUP

Purpose

1. To advise the Council of the membership of the Rules Rewrite Working Group (RRWG) and when it will report.

Discussion

Remit

2. At its meeting on 10 June 2013 the Council agreed to the creation of a working group to carry out the methodology phase of the Rules Rewrite project, with the following specific remit:
 - consider the vision and objective of the new rules;
 - undertake a review of the approach that other jurisdictions have taken when undertaking similar projects such as England and Wales and Australia to establish if any lessons can be learned (research may require to be commissioned in respect of this);
 - develop and submit to the SCJC a “rules rewrite methodology”;
 - create a “style guide” to underpin the drafting of the new rules (there requires to be consistency in approach to rule drafting; for example, terminology, language, between the civil courts and across the different disciplines such as family and PI);
 - agree the format and guidance for “drafting instructions” whether this be through the committee structure or the SCJC Secretariat; and
 - develop an annual rules rewrite programme which enables specific phases of rules to be prioritised.

Membership

3. The RRWG has now been established by the SCJC Secretariat, in coordination with the Chair, and its membership is:

- Lord President (Chair)
 - The Rt Hon Lord Menzies (Judicial Member/Vice Chair)
 - Sheriff Principal CAL Scott (Sheriff Principal of Glasgow and Strathkelvin)
 - Kenneth Forrest (Advocate)
 - Duncan Murray (Solicitor)
 - Jonathan Brown (Scottish Government – Office of the Scottish Parliamentary Council)
 - Sarah Wolffe QC (Advocate, Papers member)
4. The first meeting of the RRWG is scheduled for 18 September 2013. It is anticipated that the RRWG will report in spring 2014 with an interim report being provided for the SCJC meeting on 10 March 2014 to enable the preparation of the annual programme for 2014 and the development of the annual rules rewrite programme.

Recommendation

5. **Members are invited to note the membership of the RRWG and that it is due to report in spring 2014.**

Scottish Civil Justice Council – Secretariat

September 2013