

## ITEMS CONSIDERED BY CORRESPONDENCE

### Purpose

1. To advise members of the outcome of consideration given to matters by correspondence since the last meeting.

### Discussion

2. In considering matters by correspondence, members are advised that a nil response will be treated as consent, unless noted otherwise.
3. Seven matters have been considered by correspondence since the last meeting:

#### A. Human Fertilisation & Embryology Act

- **Paper 2019/05** was issued on 22 March 2019 and invited members to consider and approve draft rules (at **Paper 2019/05B**) amending the Act of Sederunt (Rules of the Court of Session 1994) and the Act of Sederunt (Child Care and Maintenance Rules) 1997. The rules amendments were consequential to changes arising under the provisions of the Human Fertilisation and Embryology Act 2008 (Remedial) Order 2018.
- **Responses were invited by close of business on 05 April 2019. No substantive responses were received. *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 24 April 2019 and came into force on 24 May 2019.**

#### B. SCJC Admin Matters

- **Paper 2019/06** was issued on 29 March 2019 and invited members to approve the minutes of the previous meeting on 18 March 2019 (**Paper 2019/06A**) and note relevant business updates.
- **Responses were invited by close of business on 12 April 2019. Two responses were received, approving the minutes of 18 March 2019 subject to minor amendment. The approved minutes have subsequently been published on the SCJC website.**

### C. Committee appointments and tenures

- **Paper 2019/12** was issued on 01 July 2019 and invited members to approve, or where appropriate to note, changes to membership and representation on its Committees. In particular, members were invited to approve the reappointment for:
  - Dean Purdie to the Access to Justice Committee for a further period of three years from 3 June 2019;
  - Rachael Kelsey to the Family Law Committee for a further period of three years from 3 June 2019;
  - Sheriff Principal Murray to the Information and Communications Technology Committee for a further three years from 11 July 2019;
  - Ronald Conway, Gordon Keyden, Alan Rogerson and Fraser Simpson to the Personal Injury Committee for a further period of 3 years from 10 June 2019;
  - Amber Galbraith and Maria Maguire QC to the Personal Injury Committee for a further period of 3 years from 26 June 2019.
- **Responses were invited by close of business on Monday 08 July 2019. Two responses were received, both approving the appointments.**

### D. Insolvency Rules

- **Paper 2019/13** was issued on 27 June 2019 and invited members to consider and approve draft rules (at **Paper 2019/13A**) making amendments to the Rules of the Court of Session 1994 and Sheriff Court Company Insolvency Rules 1986 to correct errors/omissions from a previous rules instrument.
- **Responses were invited by close of business on 11 July 2019. Two responses were received, both approving the draft rules. The Act of Sederunt (Rules of the Court of Session 1994 and Sheriff Court Company Insolvency Rules Amendment) (Insolvency) 2019 was made on 17 July 2019 and came into force on 16 August 2019.**

### **E. Review of Register of Interests**

- **Paper 2019/14** was issued on 04 July 2019 and invited members to review their personal records to ensure the information held on the Council's Register of Members' Interests is up-to-date.
- **Responses were invited by close of business on 19 July 2019. The Register of Members' Interests has been updated with information provided by those who have responded.** Members will be invited to provide updates annually.

### **F. Signature of Petitions and Answers**

- **Paper 2019/15** was issued on 05 July 2019 and invited members to consider and approve draft rules (at **Paper 2019/15B**) amending the Rules of the Court of Session to permit a solicitor to sign a petition in lieu of Counsel in certain circumstances. The rule change arose from a request made by the Court of Session Asylum and Immigration User Group.
- **Responses were invited by close of business on 19 July 2019. Four responses were received approving the draft rules. Act of Sederunt (Rules of the Court of Session 1994 Amendment) (Signature of Petitions and Answers) 2019 will be made and laid in September 2019.**

### **G. Annual Report 2018/2019 and Annual Programme 2019/2020**

- **Paper 2019/17** was issued on 24 July 2019 and invited members to approve its Annual Report for 2018/2019 and Annual Programme for 2019/2020 (at **Paper 2019.17A**).
- **Responses were invited by close of business on 07 August 2019. One response was received approving the Annual Report and Annual Programme. The Annual Report 2018/2019 and Annual Programme 2019/2020 was published on the SCJC website on 12 August 2019.**

### **Recommendation**

4. **Members are invited to note this update.**

**Scottish Civil Justice Council Secretariat  
August 2019**

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