

ITEM 2.3: FAMILY LAW COMMITTEE: ACTIVITY REPORT

1. The Family Law Committee was established by the Council on 10 June 2013 and last met on 4 November 2013.
2. The following items of business have been considered by the Family Law Committee:

2.1 Intimation of applications for Child Protection Orders

The Committee has considered whether the provisions of rule 3.31 of the Act of Sederunt (Child Care and Maintenance Rules) 1997 (determination of applications for a child protection order) should be amended in light of the Opinion of Lord Brailsford in *NJ and EH v The Lord Advocate* [2013] CSOH 27.

After further enquiry the Committee has noted that the Scottish Government and Renfrewshire Council have agreed that guidance produced by Renfrewshire Council to address administratively the issues identified in the case of NJ and EH should be disseminated more widely.

After discussion, the Committee decided not to proceed with amendments to the Act of Sederunt (Child Care and Maintenance Rules) 1997 at this time. The Committee agreed that it would be prepared to reconsider this matter in the future if invited to do so by the Scottish Government, in light of local authorities' experience of operating the Renfrewshire Council guidance and any statistical information gathered by the Scottish Government.

2.2 Simplified divorce – extension of simplified divorce procedure to cases where there are children under the age of 16

The Committee has instructed the Deputy Legal Secretary to prepare draft rules on the extension of simplified divorce to cases where there are children under the age of 16 for its next meeting on 10 February 2014.

3. The Family Law Committee has noted the following future business:

3.1 Bar Reporters Working Group

The Bar Reporters Working Group met on 29 October to discuss an options paper prepared by the Scottish Government. The Scottish

Government intends to publish the options paper and revisit its action plan to identify any matters which the Council might be able to progress at present. The Working Group has established a sub-committee to consider the form and content of bar reports and to prepare guidance in relation to them.

SCJC Secretariat

December 2013