

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 inviting members to consider matters by correspondence, members are advised that a nil response will be treated as consent, unless noted otherwise.
3. Five matters have been considered by correspondence since the last meeting:

A. Work stream arrangements

- **Paper 2018/03** was issued to members on 29 January 2018, inviting members to consider and approve arrangements for work stream 5 of the Rules Rewrite Project. In particular members were invited to approve:
 - the proposed outline remit for work stream 5 of the Rules Rewrite Project;
 - the proposals for the establishment of a working group to take forward work stream 5;
 - the membership proposals for the proposed working group; and
 - the proposed reporting arrangements for work stream 5.
- **Responses were invited by close of business on Friday 02 February 2018. Four responses were received, all approving the arrangements.**

B. Committee arrangements

- **Paper 2018/04** was issued to members on 24 January 2018, inviting members to approve changes to committee membership. In particular, members were invited to approve the re-appointment for Kenneth Cumming to

the Costs and Funding Committee for a further period of three years from 29 January 2018.

- **Responses were invited by 4pm on Friday 26 January 2018. Two responses were received, both approving the re-appointment.**

C. Methodology for review of simple procedure

- **Paper 2018/05** was issued to members on 13 February 2018, inviting members to consider and approve a methodology for the review of the Simple Procedure Rules. In particular, members are invited to consider and, if content, approve:
 - a draft consultation paper (**Paper 2018.05A**)
 - a draft research specification commissioning research into the experiences of party litigants who have used Simple Procedure (**Paper 2018.05B**); and
 - proposals for focus groups to be carried out with stakeholders with experience of using Simple Procedure.
- **Responses were invited by close of business on Tuesday 20 February 2018. Eight responses were received and a number of comments were made in relation to timings, consultees, the timing of focus groups and the development of civil online. The methodology was revised in light of the comments received.**

D. Committee arrangements

- **Paper 2018/06** was issued to members on 22 February 2018, inviting members to approve, or where appropriate to note, changes to membership and representation on the Council and its Committees. In particular, members were invited to:
 - note the re-appointment of Sheriff Hughes as a Council member for a further three year period from 08 March 2018:
 - approve the re-appointment for Sheriff Tait to the Family Law Committee for a further period of three years from 15 March 2018;

- approve the appointment for Sheriff McGowan to the Personal Injury Committee for a period of three years from 06 April 2018; and
 - approve the appointment of Nicola Anderson to be the SCTS LIT representative on the Council from 19 March 2018.
- **Responses were invited by close of business on Friday 02 March 2018. Three responses were received, all approving the appointments.**

E. Extension of simplified divorce – consultation on draft rules

Paper 2018/09 was issued to members on 22 February 2018 inviting members to consider a revised Act of Sederunt at **Paper 2018/09A** in relation to the extension of simplified divorce procedure to include cases where there are children of the family under the age of 16, provided that the parties have agreed the arrangements for the upbringing of the children, and no orders are sought regulating residence or contact and to agree that it should be issued for public consultation under cover of the revised draft consultation document at **Paper 2018/09B**.

- **Responses were invited by close of business on Friday 02 March 2018. Three responses were received, all approving the revised Act of Sederunt and draft consultation document.**

Recommendation

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

Scottish Civil Justice Council Secretariat

March 2018

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