

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. The following matters have been considered by correspondence since the last meeting:

A. Corrective instrument for Human Trafficking Orders

- **Paper 2017/15** was issued to members on 03 July 2017, inviting the Council to consider and approve draft rules at **Paper 2017/15A** correcting an oversight in the Act of Sederunt (Summary Application Rules 1999 Amendment) (Trafficking and Exploitation Orders) 2017 No. 211 in relation to the mutual recognition of interim orders.
- **Responses were invited by close of business on Friday 07 July 2017. Three responses were received, all approving the draft rules.**
- **The instrument was made on 11 July 2017 and came into force on 18 September 2017.**

B. Administrative Council matters

- **Paper 2017/13** was issued to members on 10 July 2017, inviting the Council to consider a number of administrative matters that would be more suitably dealt with by correspondence than await the next Council meeting on 02 October 2017. In particular members were invited to:
 - approve the minutes of the previous meeting held on 29 May 2017 (produced at **Paper 2017/13A**);
 - note the progress of actions and business updates provided in the Activity Update (produced at **Paper 2017/13B**); and

- approve the appointment of Walter Drummond-Murray to the Rules Rewrite Committee.
- **Responses were invited by close of business on Monday 17 July 2017. One response was received, confirming approval.**
- **The approved minutes of the previous meeting held on 29 May 2017 were published on the Council's website on 18 July 2017.**
- **Walter Drummond-Murray's appointment to the Rules Rewrite Committee was confirmed to take effect from 18 July 2017.**

C. Implementation date for Simple Procedure Special Claims Rules

- **Paper 2017/17** was issued to members on 28 August 2017 invites members to note the decision made by the Making Justice Work Programme Board to defer the commencement date for the coming into force of the Simple Procedure Special Claims Rules.

D. Working Group arrangements

- **Paper 2017/18** was issued to members on 06 September 2017, inviting members to approve additional arrangements for working groups of the Council. In particular members were invited to approve:
 - the appointment of Nicola Marchant to the working group taking forward the work under work stream 1 of the Rules Rewrite Project;
 - the appointment of Tracy Kell to the working group taking forward the work under work stream 3 of the Rules Rewrite Project; and
 - the appointment of Ian Maxwell and Chrissie Stark to the working group taking forward the work under work stream 4 of the Rules Rewrite Project;
 - the establishment of a working group to make recommendations for revised rules for Protective Expenses Orders (PEO) with Lord Malcolm as Chair; and
 - the following membership appointments to the PEO working group:
 - Joel Conn, SCJC member
 - a representative from the Faculty of Advocates

- a representative from the Scottish Government
 - a representative from an Environmental Group
 - a member from the Offices of the Court of Session.
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- **Responses were invited by close of business on Wednesday 13 September 2017. Three responses were received, all approving the arrangements.**

Recommendation

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

Scottish Civil Justice Council Secretariat

September 2017

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