

ITEMS CONSIDERED BY CORRESPONDENCE

Purpose

1. To provide the Council with a note of the outcomes from items considered by correspondence since the last Council meeting held on 18 July 2022.

Matters considered

2. In considering matters by correspondence, unless otherwise advised, a nil response will indicate consent. There were seven matters considered by correspondence since the last meeting:

Administrative Matters

- **Paper 2022/18** was issued on 25 July 2022 and invited members to consider and approve draft minutes of the meeting held on 18/07/22. Responses were invited by close of business on 01 August 2022. One response was received noting minor typographical errors. The revised draft minutes were thereafter published on the SCJC website.

Administrative matters

- **Paper 2022/19** was issued on 29 July 2022 and invited members to approve membership appointments to the Family Law Committee and Personal Injury Committee. Responses were invited by close of business on 05 August 2022. No responses were received. The following members were appointed for three years and the Council website was updated accordingly.
 - Family Law Committee: Rachael Kelsey, Solicitor.
 - Personal Injury Committee: Ronnie Conway, Advocate; Amber Galbraith, KC; Maria Maguire, KC; Fraser Simpson, Solicitor.

Rules Request - Telecommunications Infrastructure (Leasehold Property) Act 2021

- **Paper 2022/20** was issued on 17 August 2022 and invited members to consider a rules request from the UK Government seeking court rules to implement the 2021 Act. Responses were invited by close of business 31 August 2022. 1 response was received approving the recommendations for draft rules. Members approved the issue of drafting instructions for

court rules by the Secretariat to the Lord President's Private Office.

Rules request – The Civil Protection Measures, European Protection Order and Victims' Rights (EU Exit) (Scotland) (Amendment Etc.) Regulations 2022: civil protection orders

- **Paper 2022/21** was issued on 24 August 2022 and invited members to consider proposals for the preparation of court rules to implement the 2022 Regulations. The policy intent of the Regulations in relation to court matters are that civil protection orders from EU member states should continue to be recognised as they are currently, however outgoing orders should cease to be issued. This aligns with the approach taken in England, Wales and Northern Ireland following 'Brexit'. Responses were invited by close of business on 07 September 2022. No responses were received. Members approved the issue of drafting instructions for court rules by the Secretariat to the Lord President's Private Office.

Court Rules – Case management of family and civil partnership actions in the sheriff court

- **Paper 2022/22** was issued on 30 August 2022 inviting members to approve an amendment to the draft rules instrument which was approved by Council on 25 April 2022 and is yet to be made by the Court of Session. Responses were invited by close of business on 09 September 2022. Two responses were received approving the amendment. Drafting instructions were issued by the Secretariat to the Lord President's Private Office.

Rules request - Coronavirus (No.2)(Scotland) Act 2020 – electronic transmission of documents

- **Paper 2022/23** invited the Council to consider a rules request from Registers of Scotland seeking to make certain measures contained within the 2020 Act permanent, once the current temporary provisions cease to have effect on 30 September 2022. The amendment to Chapter 62 of the Rules of the Court of Session would permit documents to be signed and transmitted electronically for registration in the Register of Judgements. The paper was issued to Lady Carmichael and Lord Ericht on 08 September 2022 under the Council's urgent clearance procedures and was approved on this date. The draft instrument was thereafter submitted to the Court of Session for consideration and approval.

Rules request - Act of Sederunt (Simple Procedure Amendment)
(Miscellaneous) 2022/211

- **Paper 2022/24** – was issued on 29 September 2022 inviting members to consider draft rules implementing a request from Scottish Courts and Tribunals Service for a change to the commencement date of the Act of Sederunt (Simple Procedure Amendment) (Miscellaneous) 2022/211. The new commencement date will be 31 May 2023. Responses were invited by close of business on 6 October 2022 with a nil response indicating consent. One response was been received approving the draft instrument. The draft rules were approved for submission to the Court of Session.

Recommendation

3. Members are invited to note the contents of this update.

**Secretariat to the Scottish Civil Justice Council
September 2022**

THIS PAGE IS INTENTIONALLY BLANK