

**MEETING OF THE SCOTTISH CIVIL JUSTICE COUNCIL**  
**MONDAY 20 JANUARY 2025 AT 10.30AM**  
**LEARNING SUITE, JUDICIAL INSTITUTE, PARLIAMENT HOUSE**  
**MINUTES**

**Present:** Lord President (Chair)  
Fiona Drysdale KC  
Lord Ericht  
Nicola Irvine  
Colin Lancaster (SLAB)  
Iain MacRae  
Sheriff Martin-Brown  
Riley Power  
Sheriff Principal Ross  
Denise Swanson

**Virtual attendance:** Sheriff McCartney  
Thomas Docherty

**In attendance:** Lord Pentland  
Callum Richardson (in place of Chris Fyffe)  
Rachel Grant

**Support:** Jessica Flynn  
Craig McCorkindale  
Sarah Jane McNicol  
Paula Preston  
Graeme Welsh

**Apologies:** Lady Carmichael  
Malcolm Graham  
Sheriff Way

**Item 1: Welcome, apologies and agreement of private papers**

1. The Chair welcomed members to the fifty-sixth meeting of the Council and introduced Lord Pentland as future Lord President and Chair of the Council. Apologies were noted from members unable to attend.

2. The Council agreed not to publish papers 3.1, 3.1A, 3.2, 3.2A, 3.3, 3.4, 3.5 and 3.6.

## **Item 2: Previous meeting**

### *Item 2.1 - Items by correspondence (Paper 2.1)*

4. The Chair introduced Paper 2.1 on two matters considered by correspondence since the last meeting:
  - **Paper 2024.19** was issued to members on 23 October 2024 and invited approval of the draft minutes from the Council meeting of 14 October 2024. Two responses were received. The minutes were published on 31 October 2024.
  - **Paper 2024.23** was issued to members on 26 November 2024 and invited members to approve the appointment of Sheriff Principal Ross to the Rules Rewrite Committee. Two responses were received. Sheriff Principal Ross was therefore appointed to the Rules Rewrite Committee for a period of three years.
5. **The Council noted the items agreed by correspondence.**

## **Item 3 – Work Programme**

### *Item 3.1 – Hague 2019 and Currency Conversation Certificates*

#### Hague Convention

The draft rules instrument (*Paper 3.1A*) amends RCS Chapter 62 to enable applications relating to the 2019 Hague Convention; which provides for the recognition and enforcement of foreign judgments in civil and commercial cases and will be commenced across all UK jurisdictions on 1 July 2025.

#### Currency Conversion Certificates

That draft instrument also amends RCS Chapter 62 to remove the requirement for a currency conversation certificate to be lodged with the court before a foreign judgment can be registered. That rule change reflects that the Bank of England (and equivalent institutions) have stopped issuing such certificates.

6. **Members approved the draft rules instrument (*Paper 3.1A*) for submission to the Court of Session, subject to any stylistic or typographical changes.**

*Item 3.2 – Nautical Assessors*

7. The draft rules instrument (*Paper 3.2A*) amends RCS Chapter 12 to remove the requirement to maintain and publish a list of nautical assessors, and to remove any distinction between nautical assessors and assessors.
8. **Members approved the draft rules instrument (*Paper 3.2A*) for submission to the Court of Session, subject to any stylistic or typographical changes.**

*Item 3.3 – Child Maintenance Liability Orders*

9. Members considered *Paper 3.3* whereby the Department for Work and Pensions (DWP) had requested changes to the Child Support Rules 1993, in order to create an appeal route for administrative liability orders.
10. **Members noted the proposed amendments to the appeal route within the Child Support Rules 1993 and instructed the preparation of draft rules.**

*Item 3.4 – Public Consultations*

11. The Chair sought any initial feedback from members on the questions posed in the 3 consultations that have recently been opened. The key points were:

Online Intimation

As a temporary response to the pandemic the emergency Covid legislation supported a procedural change to using ‘online intimation’ when the court directs that advertising is to be included when intimating a civil action. In practice that resulted in the abbreviated notices that are uploaded to the SCTS website for online viewing.

Adopting the use of ‘online intimation’ was already part of the plans to modernise the courts, and its introduction was simply accelerated by the pandemic. That change has been well received by court users and this consultation seeks views on confirming that working practice as the permanent procedure.

Extension of Simplified Divorce

The proposal is to extend the scope of the simplified procedures for divorce and dissolution to enable potential applicants with children under the age of 16 to use that more straightforward option. Members noted the prerequisite changes to the laws of evidence, which will be the subject of a separate consultation to be run by the Scottish Government later in 2025.

### Modernising the Signet

The proposal made is to provide an “Order for Service” to more explicitly convey that the Court of Session has granted its authority for a pursuer to serve the related summons on a defender. The continued use of the signet will be provided for by the inclusion of a digital watermark within that new court order.

### *Item 3.5 – All Scotland Personal Injury Court*

12. Members considered *Paper 3.5* that contained a proposal to change the current name of the All Scotland Personal Injury Court (ASPIC) to the National Personal Injury Court (NPIC). Members noted a) that the scope of the proposed change relates to renaming only and not to jurisdiction b) the indicative costs provided for potential IT changes and c) that legislative changes may need to follow. The prioritisation of this proposal would need to be considered amongst other priorities.

**13. The Council agreed that further analysis of costs is required and the matter should be considered further at a future SCJC meeting.**

### *Item 3.6 – Annual Update on Transfer of Tribunals*

14. Members discussed the annual update provided (*Paper 3.6*) and the likely timeframe for Scottish Ministers to transfer the 3 remaining jurisdictions into the two tier structure of the tribunals. It was noted that some tribunal members do have practical issues arising from the rules in their current form, and queried if some of those difficulties could be fixed prior to future transfer of the rule-making function. The Scottish Government agreed to consider that point and provide an update at a future meeting.

**15. Members noted the annual update provided.**

### **Item 4: AOB**

No other business was raised.

### **Item 5: Date of Next Meeting**

31 March 2025 (Strategy session)

**Scottish Civil Justice Council Secretariat  
January 2025**