

# MEETING OF THE SCOTTISH CIVIL JUSTICE COUNCIL ANNUAL STRATEGY WORKSHOP

**MONDAY, 31 MARCH 2025, AT 9:30**

Edinburgh Marriott Hotel Holyrood,  
81 Holyrood Rd, Edinburgh EH8 8AU  
(Salisbury Suite, 1st floor).

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## AGENDA

**10:00 - Coffee**

**10:30 – Meeting commences**

Item 1. Opening comments (*Chair*)

Item 2. Progress made with this year's work programme (2024-25):

2.1 POLICY DEVELOPMENT

2.2 RULES ENACTED

Item 3. Agreeing the priorities for the coming year (2025-26):

3.1 SUGGESTED PRIORITIES

3.2 KEEPING THE SYSTEM UNDER REVIEW

3.3 PROMPTS FOR DISCUSSION

Item 4. Considering the 42 rules requests carried forward:

4.1 COURT RULES - 35 requests

4.2 FEES RULES - 4 requests

4.3 INQUIRY RULES - 1 request

4.4 TRIBUNAL RULES – 2 requests

Item 5. Closing comments (*Chair*)

**12:30 Meeting closes; and members are invited to remain for a light lunch**

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ANNEX 1 – The current pipeline of rules requests

Attachments – for reading prior to the workshop:

- FLAG A – Slide Pack
- FLAG B – Listing of Procedures
- FLAG C – Mindmap
- FLAG D – Prompts for Discussion

Attachments – for information only (for those seeking further detail):

- REPORT 1 – RULE CHANGES MADE
- REPORT 2 – RULES REQUESTS IN PROGRESS
- REPORT 3 – GOVERNMENT BILLS IN PROGRESS

## ANNEX 1 – THE CURRENT PIPELINE OF ‘RULES REQUESTS’ (As at 1 April 2025)

### **COURT RULES** - 35 rules requests carried forward:

Count	Status	Category	Description
1	Existing	Review	Personal Injury Pre Action Protocol
2	Existing	Review	Withdrawal of Agents (RCS Chap. 30)
3	Existing	Review	Inner House Rules
4	Existing	Review	Protective Expenses Orders (PEO's)
1	Existing	Modernise	Lay representation, lay support and party litigants
2	Existing	Modernise	Pre Action Protocol - Clinical negligence
3	Existing	Modernise	Pre Action Protocol - Disease
4	Existing	Modernise	Caveats
5	Addition	Modernise	Electronic Recording of Evidence ( <i>new item</i> )
1	Existing	Maintain	Public Interest Interventions
2	Existing	Maintain	Appointment of assessors under the Equality Act
3	Existing	Maintain	Extension of Simplified Divorce
4	Existing	Maintain	Historic Abuse – Nominal Defenders
5	Existing	Maintain	E-Motions
6	Existing	Maintain	Pursuers offers (for PI cases under £5k)
7	Existing	Maintain	Inhibition in execution
8	Existing	Maintain	Postal copies ( <i>of documents served</i> )
1	Existing	Reform	Rules Rewrite ( <i>the New Civil Procedure Rules</i> )
2	Existing	Reform	Simple Procedure Special Claims (SPSC)
3	Existing	Reform	Group Proceedings Part 2 ( <i>opt out procedure</i> )
4	Existing	Reform	Civil Litigation (Expenses & Group Proceedings)(S) Act 2018 - Sec 9
5	Existing	Reform	Civil Litigation (Expenses & Group Proceedings)(S) Act 2018 - Sec 10
6	Existing	Reform	Civil Litigation (Expenses & Group Proceedings)(S) Act 2018 - Sec 11
1	Existing	Comply	Damages (Investment Returns and Periodical Payments) (S) Act 2019
2	Existing	Comply	Civil Partnership (Scotland) Act 2020
3	Existing	Comply	Children (Scotland) Act 2020
4	Existing	Comply	Defamation and Malicious Publication (Scotland) Act 2021
5	Existing	Comply	Domestic Abuse (Protection)(Scotland) 2021
6	Existing	Comply	Coronavirus (Recovery and Reform) (Scotland) Act 2022
7	Existing	Comply	Child Support (Enforcement) Act 2023
8	Existing	Comply	Moveable Transactions (Scotland) Act 2023
9	Existing	Comply	Hunting with Dogs (Scotland) Act 2023
10	Existing	Comply	Trusts and Succession (Scotland) Act 2024
11	Addition	Comply	Bankruptcy and Diligence (Scotland) Act 2024
12	Addition	Comply	Judicial Factors (Scotland) Act 2025

Within the 2024-25 year there were 6 rules requests for Court Rules added and 7 closed:

Count	Change	Category	Description	Outcome
1	Closed	Comply	UNCRC (Incorporation) (Scotland) Act 2024	2 X SSI issued
2	Closed	Modernise	Statutory interveners	1 X SSI issued
3	Closed	Maintain	Objections in a Diet of Taxation	1 X SSI Issued
4	Closed	Maintain	Hague Convention 2019	1 X SSI Issued
5	Closed	Maintain	Nautical Assessors	1 X SSI Issued
6	Closed	Maintain	Independent Monitoring Authority	1 x Practice Note issued
7	Closed	Comply	UK Withdrawal for the EU (C) (S) Act 2021.	by Statutory Intervener SSI
1	Added	Maintain	Hague Convention 2019	Opened & closed in year
2	Added	Maintain	Nautical Assessors	Opened & closed in year
3	Added	Maintain	Independent Monitoring Authority	Opened & closed in year
4	Added	Modernise	Electronic Recording of Evidence	Carried forward
5	Added	Comply	Bankruptcy and Diligence (Scotland) Act 2024	Carried forward
6	Added	Comply	Judicial Factors (Scotland) Act 2025	Carried forward

## ANNEX 1 – THE CURRENT PIPELINE OF ‘RULES REQUESTS’...continued

**FEES RULES** - as at 1 April 2025 – there will be 4 items carried forward for fees:

<i>Count</i>	<i>Item</i>	<i>Category</i>	<i>Description</i>
1	Existing	Judicial Expenses	Fee structure - for Clinical Negligence PAP
2	Existing	Judicial Expenses	Fee structure - for Disease PAP
3	Existing	Regulated Fees	Simplified ‘Table of Fees’ for Officers of Court
4	Addition	Judicial Expenses	Reduction of Inclusive Charges – taxation rule 3.7

Within the 2024-25 year 1 rules request for Fees Rules was added and 1 request closed:

<i>Count</i>	<i>Item</i>	<i>Category</i>	<i>Description</i>
1	Closed	Judicial Expenses	Objections if a Diet of Taxation
1	Added	Judicial Expenses	Reduction of Inclusive Charges – taxation rule 3.7

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**INQUIRY RULES** - as at 1 April 2025 – there will be 1 item carried forward for FAIs:

<i>Count</i>	<i>Item</i>	<i>Category</i>	<i>Description</i>
1	Existing	Maintain	To seek COPFS views (on the FAI rules)

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**TRIBUNAL RULES** - as at 1 April 2025 – there are 2 items carried forward to prepare for the future transfer of rule-making for the tribunals:

<i>Count</i>	<i>Item</i>	<i>Category</i>	<i>Description</i>
1	Existing	Reform	To monitor the jurisdictions transferred ( <i>per the 2014 Act</i> )
2	Existing	Modernise	To establish the judicial objectives ( <i>for progressing a tribunals Rules Rewrite</i> )