



Scottish
Civil Justice
Council

Scottish Civil Justice Council

Strategic Plan 2026-29

WORKING DRAFT

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Chair's Foreword

In the 13 years since the Scottish Civil Justice Council held its first meeting in June 2013 it has prioritised delivering the key sets of rules needed to introduce the major structural reforms recommended by the Scottish Civil Courts Review in 2009, with those changes forming a subset of the total of 128 rules instruments the Council has now proposed to the Court of Session for consideration and enactment to date. Since taking up my role as the Chair of the Council, it has been increasingly clear to me that the time is right for the Council to take a clear and strategic approach to its future direction and focus – and its responsibility for keeping the Scottish civil justice system under review. This Strategic Plan is intended to signal this change of focus and direction.



For the next three years the Council, its committees, and its working groups will focus more of their attention on engaging with users, commissioning research and making recommendations tangibly to improve the way the civil justice system operates. The strategic objectives prioritised within this paper will help to optimise the value gained from the time contributed by Council and committee members, and all those who engage with the work of the Council, enabling the Council to recommend substantial improvements within the civil justice system.

The Rt. Hon. Lord Pentland
Lord President
Chair of the Scottish Civil Justice Council

PURPOSE AND VISION

Our purpose

The Council's purpose is to make the civil justice system fairer, more accessible, and efficient, so that it continues to respond to the evolving needs of society.

Our vision for civil justice

The Council will advance a modern, world-class civil justice system that supports the needs of its users by:

- Enabling civil disputes to be dealt with as efficiently as possible so that the matters in dispute are capable of being resolved within a reasonable time and at a proportionate cost.
- Enabling civil disputes that do warrant a judicial intervention to gain access to a trusted, independent and impartial forum for hearing and resolving those civil disputes, including high profile and specialist litigation, using procedures that are as simple as possible for all to access, understand and use.

Our approach

In delivering our vision for civil justice, we will:

- Be purpose-driven – in delivery of each of our strategic themes, our interventions and recommendations will be guided by the need to make the system fairer, more accessible and efficient.
- Take a whole system approach – by directing our efforts to those areas of civil activity where this Council is the public body best placed to progress a given change that can help to optimise the system to the benefit of all users.
- Focus on delivery – we will maintain a clear focus on progressing our key reform areas from start to finish.
- Be evidence-led – we will review the available literature and, where needed, commission relevant internal or external research to secure robust qualitative and quantitative data to support evidence-based decision making.
- Maintain a user focus - we will engage with users, Scottish Government and other stakeholders to identify where reform is most needed and what policy options are most appropriate for the Council to recommend in meeting that need.

STRATEGIC THEMES AND OBJECTIVES

Theme 1: Enhancing Civil Justice through Digital Innovation

The pace of change of technology, including most recently artificial intelligence, provides a significant opportunity to enhance the way in which the civil justice system operates. There is, however, a need to review the processes within the system before simply overlaying new technologies on existing processes. In addition, there are significant challenges posed to the system by practitioners and party litigants using artificial intelligence. That must be better understood.

Against this backdrop, there is not a clear and shared understanding of the key issues and options for improvement within the civil justice system. Parties who find themselves in a position where they have a need to enforce or defend their legal rights should also be able to find and use the most appropriate mechanism to resolve their civil problems, in a manner proportionate to the matters in dispute.

In this regard, accessing the insights and experience of practitioners and parties in civil actions is invaluable in identifying the systemic issues where an intervention by this Council is most likely to add value.

The Council must better inform itself on the user experience of the civil justice system, what works well and what needs to be enhanced. The Council must then harness digital technologies and artificial intelligence to transform and enhance the efficiency and accessibility of the services delivered through the Scottish civil justice system. This will then shape future investment priorities to be considered by the Scottish Courts and Tribunals Service and others, when progressing further civil justice reform.

Objectives

The Council will address this theme through the following objectives:

- 1.1 Undertaking qualitative and quantitative user research and engagement focussed on the opportunities to enhance the efficiency of the civil justice system and to enhance user experience.
- 1.2 Developing proposals for civil justice system improvement, enabled by digital technologies and artificial intelligence, and recommendations for policy solutions to address the needs identified through user engagement and research.
- 1.3 Accepting the significant impact that AI is having, and will continue to have, on the system, the Council will establish an AI Working Group. This group will, in support of any future digital developments, assess the opportunities arising, the potential implementation issues, the ethical and operational considerations, and the steps needed for the system to effectively engage with artificial intelligence, and the impacts of this technology.
- 1.4 Explore the development of a digital 'front door' for civil justice, supporting ease of access to and navigation of the civil justice system.

Theme 2: Scotland as a Forum of Choice

Scotland has a range of advantages as a system – it is smaller, more agile, quicker, and lower cost – which can be competitive advantages in attracting business to the Scottish system. This has clear benefits for the development and practice of law in Scotland and the esteem of the Scottish civil justice system and Scots Law. Scotland being a forum of choice may also create wider benefits for the Scottish economy.

The Council must better understand and leverage the competitive advantages of the Scottish civil justice system to support Scotland being a forum of choice for resolving different types of civil disputes.

Objectives

The Council will address this theme through the following objectives:

- 2.1 Continuing to develop proposals to enhance the opt-in procedure and continue consideration of the consultation on the introduction of an opt-out procedure, for group proceedings – as provided for by the Scottish Parliament. The Group Proceedings Working Group will continue to assess the responses to the Council's Call for Evidence¹ in Scotland, as well as the responses to the similar Call for Evidence² issued by the Department for Trade and Industry in 2025.
- 2.2 Undertaking research and engagement on options for specialist dispute resolution within Scotland, including the potential demand for, and value of, specialist courts. Based on this research, the Council will develop further proposals for wider consultation.
- 2.3 Undertaking research and engagement on options for further development of non-court civil dispute resolution options in Scotland, including mediation.
- 2.4 Developing a public education and stakeholder management plan to more actively curate an image of the benefits of conducting dispute resolution within Scotland.

¹ <https://www.scottishciviljusticecouncil.gov.uk/consultations/scjc-consultations>

² <https://www.gov.uk/government/calls-for-evidence/opt-out-collective-actions-regime-review-call-for-evidence/opt-out-collective-actions-regime-review-call-for-evidence>

Theme 3: Maintaining the Rules

In discharging its statutory functions of keeping the civil justice system, and the practice and procedure of the Court of Session and the Sheriff Courts under review, the Council must ensure that the system, practice and procedure do keep pace with legislative change, both in terms of domestic law and in complying with international treaty obligations. In this regard, the Council currently has a backlog of rule change requests requiring consideration and possible development.

In addition, one of the statutory guiding principles of the Council is that practice and procedure in the civil courts should be as similar as possible, where appropriate. It is a fact that a vast amount of civil justice is undertaken through the Scottish Tribunals, the rulemaking for which does not currently fall within the remit of the Council – notwithstanding a long-standing intention for this function to eventually move from the Scottish Government to the Council.

Objectives

The Council will address this theme through the following objectives:

- 3.1 The Council will work with the Scottish Government to review the backlog of rules requests to consider whether all requests require action by the Council and, where action is required, the relative priority of those requests – before considering how the Council addresses each request.
- 3.2 The Council will continue to implement the strategy it approved relating to improving compliance with the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).
- 3.3 The Council will work closely with the Scottish Government and the Scottish Courts and Tribunals Service to understand the intended timescales for any transfer of Tribunal rule-making functions to the Council and will undertake such preparatory work as may be necessary for taking on those functions.

Theme 4: Sustainable Delivery

Since its establishment, the Council has prioritised delivering the key sets of rules needed to introduce the major structural reforms recommended by the Scottish Civil Courts Review in 2009. The Council is now developing its strategic approach to how it delivers across all its functions, with a particular focus on keeping the civil justice system under review and providing advice and recommendations to the Lord President on the development of, and changes to, the civil justice system.

As form follows function, the Council must now review how it organises its own activities. This is to ensure it is best able to back up the ambition outlined in this strategy with the capability, capacity and ways of working needed to deliver tangible outcomes, while delivering value for money.

The Council must also consider how it builds the profile of the work undertaken by the Council, to ensure that the Council is able to demonstrate to the public that it is delivering value for money.

Objectives

The Council will address this theme through the following objectives:

- 4.1 The Council will undertake a review of its committee structures and ways of working, making recommendations to the Lord President on how the Council should revise its governance structures to best enable the delivery of the Council's strategic objectives.
- 4.2 The Council will work closely with the Scottish Courts and Tribunals Service to review the secretariat support provided to the Council, with a view to ensuring that the Council has access to the skills, experience and expertise required to deliver its strategic objectives.
- 4.3 The Council will develop a public education and stakeholder management plan to ensure that the Council is effectively communicating what it does, why it does it, and how to effectively engage with the work of the Council.

DELIVERY

The specific actions and priorities that will progress delivery of this strategy will be detailed within the Council's annual work programmes. These work programmes will be organised by the delivery themes outlined in this strategy and will include both the priorities outlined in this plan and any additional priorities identified through the research and engagement identified in this plan.

This strategy and the current and future annual work programmes will be published on the Council's website.

The Council will, as part of its review of its committee structure and ways of working, consider how best to organise its activities in a way that uses the skills and experiences of Council members, and which draws on sources of expertise across the breadth of Scottish civil society.

The Council will monitor delivery of the objectives in the Strategic Plan at its quarterly meetings and provide an overall assessment of progress as part of its annual report.

Further information and contacts

Full information about the Council and its activities is available at www.scottishciviljusticecouncil.gov.uk. The website is updated regularly with news about the Council and provides full details of Council and committee meetings, publications, draft rules under consideration and new rules made.

The Council welcomes all feedback in relation to this strategy, the general direction of travel and the practical workings of the rules of court.

You can contact us as follows:

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You can also follow us on X (formally Twitter) @ScottishCJC for the latest updates.

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