

B E F O R E:

THE AARHUS CONVENTION COMPLIANCE COMMITTEE

RE: COMMUNICATION ACCC/C/2025/216

WRITTEN RESPONSE OF THE UNITED KINGDOM

A. INTRODUCTION

1. By letter dated 17 November 2025, the Government of the United Kingdom was informed by the United Nations Economic Commission for Europe ("**UNECE**"), as Secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ("**Aarhus Convention**" or "**Convention**"), that the Compliance Committee of the Aarhus Convention ("**the Committee**") had made a preliminary determination that Communication ACCC/C/2025/216 is admissible ("**the Communication**"). The Communication alleges that the United Kingdom has not complied with article 8 of the Convention by failing to facilitate public participation during the preparation of a regulation in Scotland, the Act of Sederunt (Rules of the Court of Session 1994 Amendment)(Protective Expenses Orders) 2024 ("**the 2024 PEO Amendments**").
2. The United Kingdom was invited to submit to the Committee by 17 April 2026 any written explanations or statements clarifying the matter referred to in the Communication and describing any responses that may have been made in the meantime.
3. In response to this invitation, the United Kingdom makes three submissions:
 - a. The Communication is inadmissible under paragraph 20(c) of the annex to decision I/7 because it is manifestly unreasonable, as it relies wholly on factual assumptions which are incorrect;
 - b. The matter referred to in the Communication should be pursued at the level of domestic procedures rather than the compliance mechanism, since the

Communicant has not exhausted, or even attempted, domestic remedies;
and

- c. If the Communication is admissible, the United Kingdom has complied with its obligations under article 8, having effectively promoted public participation in the process of preparing the 2024 PEO Amendments.

- 4. Each submission shall be addressed in turn.

B. INADMISSIBILITY DUE TO MANIFEST UNREASONABLENESS

- 5. The Government of the United Kingdom contests the admissibility of the Communication and invites the Committee to reconsider its preliminary determination.¹ The United Kingdom affirms and restates its position, as presented during the preliminary hearing on the admissibility of the Communication before this Committee on 2 June 2025. In particular, the United Kingdom maintains that the Communication is manifestly unreasonable because it is wholly reliant upon an incorrect and unfounded assertion: specifically, that "there was no public participation during the preparation of the 2024 Act of Sederunt by the SCJC [the Scottish Civil Justice Council ("SCJC")]"².
- 6. Contrary to the Communicant's assertion, the SCJC took a series of necessary, appropriate and timely steps to promote public participation in the process of preparing the 2024 PEO Amendments, just as it has done for the preparation of all court rules in Scotland.
- 7. On 28 March 2017, the SCJC issued a public announcement that a consultation had been launched on draft rules for Protective Expenses Orders (Annex 1). As indicated in that announcement, the consultation was open for a period of just over three months, closing on 23 June 2017. The purpose for the consultation was expressed in the following terms:

"The draft rules seek to ensure that, where applicable, the rules regulating applications for Protective Expenses (PEOs) in environmental proceedings operate so as to give proper effect to the requirement, under the Aarhus Convention and European Union law,

¹ UNECE, *Guide to the Aarhus Convention Compliance Committee*, 2nd edition, 2019, para. 126.

² Communication, para. 37.

that proceedings should be 'not prohibitively expensive'. The rules, developed by the Council, propose a new procedural model for applications for PEOs."³

8. In an effort to promote public participation in the process, the SCJC issued invitations to contribute to the process directly to 48 persons and entities, from a broad cross-section of society, including environmental advocacy groups, academics, legal practitioners, government departments and agencies, and industry representatives.⁴
9. During the formal period of public consultation, the SCJC received 15 responses on the draft rules for PEOs.⁵ These responses were published on the SCJC website on 21 July 2017.⁶
10. On 31 October 2017 the SCJC published a Consultation Report (Annex 5) which summarised the proposals received from the participants and analysed the key issues arising from their responses. Three issues were brought to the attention of the SCJC for the first time by the participants in the public consultation:
 - a. that PEOs should 'carry over' and continue to apply as standard in appeals from the Outer House to the Inner House of the Court of Session;
 - b. that a new provision should be added to the rules to ensure that all financial information provided by the petitioner or respondent is confidential; and
 - c. that a provision was needed to provide greater clarity on potential exposure to the expenses of an intervener in judicial review proceedings.
11. The SCJC established a working group to consider these issues arising from the consultation and to make recommendations on rule revisions to the SCJC.
12. On 27 November 2018, the SCJC announced the publication of new rules on PEOs in environmental proceedings, explaining that these new rules "aim to enhance access to justice by preventing court actions relating to the environment being 'prohibitively

³ Annex 1; see also the SCJC Consultation on Draft Court Rules in Relation to Protective Expenses Orders (Annex 2).

⁴ The list of individuals and entities invited to participate in the consultation is at Annex 3.

⁵ Responses were received from various actors, including: St Andrews Environmental Protection Association Ltd (STEPAL); Aberdeenshire Council; The Faculty of Advocates; The John Muir Trust; Glasgow City Council; The Society of the Solicitor Advocates; RSPB Scotland; The Scottish Information Commissioner; East Ayrshire Council; The Law Society of Scotland; Scottish Environment LINK Legal Governance Subgroup; The University of Glasgow School of Law; The Scottish Government; MacRoberts; and an unidentified respondent.

⁶ A copy of the website hosting the submitted responses is at Annex 4.

expensive' to members of the public".⁷ These new rules were enacted in the Act of Sederunt (Rules of the Court of Session 1994 Amendment)(Protective Expenses Orders) 2018, which came into force on 10 December 2018 ("**2018 PEO Rules**").⁸

13. In summary, the 2018 PEO Rules provided: a new procedure for PEO applications to be made; a new process for determining applications, including oppositions; amendments to provisions granting PEOs in certain proceedings relating to the environment; a new definition of 'prohibitively expensive' and provisions for making applications; and limits on liability for expenses, with the possibility for those limits to be adjusted where cause is shown.
14. Other changes to the PEO regime which had been suggested by participants in the public consultation required further research and policy development before they could be implemented in the PEO rules, and the SCJC added this work to its annual work programme.
15. The three outstanding issues which had been identified by public participants during the consultation, set out in paragraph 10 above, gained the attention of this Committee in the context of the Committee's review of the United Kingdom's Third Progress Report concerning compliance with decision VI/8k in 2020. During that process, a number of observers – including the Communicant – submitted their views on the PEO rules in Scotland to the Committee. Many of those observers, including the Communicant, framed the three outstanding issues as potential issues of non-compliance. In its Report on compliance dated 2 September 2021, this Committee welcomed the progress which had been made in establishing costs protection in appeals brought by respondents in Scotland, but indicated that it considered the 2018 PEO Rules to be insufficient, with further change required in respect of the three outstanding issues, among others.⁹
16. Following the Committee's review, the Communicant provided extensive comment to the Scottish Government (which was relayed to the SCJC) on the outstanding issues concerning the PEO rules.

⁷ SCJC announcement of 2018 PEO Rules, 27 November 2018, Annex 6.

⁸ Annex 7.

⁹ Report of the Compliance Committee on compliance by the United Kingdom, Part I, ECE/MP.PP/2021/59, 2 September 2021, para. 113.

17. On 28 June 2024, the SCJC announced that it had proposed to the Court of Session an instrument amending the PEO rules. Following approval by the Scottish Parliament, this instrument entered into force on 1 October 2024 as the Act of Sederunt (Rules of the Court of Session 1994 Amendment)(Protective Expenses Order) 2024.¹⁰
18. As the SCJC explained in its announcement of the 2024 PEO Amendments:
- "The Council consulted on the Protective Expenses Order (PEO) rules in 2017, with the key changes then enacted as the 2018 PEO Rules. These latest amendments further support environmental actions being raised *and implement a further three suggestions made by respondents to that 2017 consultation* which are:
- That a PEO should carry over to proceedings in the Inner House as standard, regardless of whether the petitioner or respondent is appealing the original decision;
 - That a provision should be added to explicitly provide for the confidentiality of all financial information provided by the petitioner or respondent; and
 - That a provision should be added so that there is improved clarity on the potential exposure to an intervener's expenses."¹¹
19. The SCJC noted that it would "continu[e] to assess what more can be done via rules in support of environmental actions in the sheriff court and will consult again when appropriate to do so." The SCJC also noted that it continued working on its "plan of action to address the remaining Aarhus concerns raised, where they would result in an amendment to court rules."¹²
20. Far from a failure to promote public participation, as the Communicant incorrectly alleges, the SCJC organised and administered a formal process of public consultation concerning the improvement of the PEO rules in Scotland which was open, accessible and transparent. As the preceding paragraphs describe, the SCJC took clear and considered steps to increase public input in the rule reform process by publicising its efforts and directly inviting a range of individuals and entities, representing a diverse range of interests, to contribute to the consultation. Furthermore, the SCJC continued to assemble information concerning the public's views on the PEO rules during the formal compliance process conducted by this Committee and otherwise.
21. The United Kingdom also rejects as unfounded the Communicant's 'secondary position', set out in its submissions on preliminary admissibility (at para. 7), that the 2017 consultation "has negligible relevance to the 2024 Act of Sederunt". As the

¹⁰ Annex 8.

¹¹ Annex 9, emphasis added.

¹² Ibid.

preceding procedural history indicates, the preparation of the 2024 PEO Amendments was closely and clearly connected to the consultation process initiated in 2017.

C. RECOURSE TO DOMESTIC REMEDIES

22. The annex to decision I/7 provides that the Committee should take into account, at all relevant stages, any available domestic remedy unless the application of the remedy is unreasonably prolonged or obviously does not provide an effective and sufficient means of redress.¹³ Accordingly, the United Kingdom invites the Committee at this stage to determine the communication to be inadmissible under paragraphs 20 and 21 of the annex to decision I/7 on account of the fact that the Communicant has neither sought to use nor exhausted the judicial review procedures available to it under domestic law. Alternatively, the United Kingdom requests the Committee to exercise its discretion to determine that this matter should be pursued at the level of domestic procedures at the present time, and that these compliance proceedings should be discontinued.
23. The Communicant has asserted that judicial review is not available in respect of this matter because the Aarhus Convention "is not enforceable in Scotland" (Communication, para. 39). This assertion is incorrect; the remedial procedure of judicial review is indeed available in this matter and, in contradiction to the Communicant's contention, the status of the Aarhus Convention in the UK does not affect the availability of judicial review in this matter.
24. In general, the Court of Session has jurisdiction in Scotland over judicial review of the acts, omissions or decisions of administrative bodies and inferior tribunals, in exercise of which it ensures that the decision maker has not exceeded its authority or failed to perform its duty. Applications for judicial review in Scotland are today regulated by Chapter 58 of the Act of Sederunt (Rules of the Court of Session 1994) 1994 (Annex 10) read together with sections 27A–27D of the Court of Session Act 1988 (Annex 11). Although the Communicant made no attempt to pursue judicial review of the enactment of the 2024 PEO Amendments within three months, as is the usual requirement for applications for judicial review under subsection 1(a) of section 27A of the Court of

¹³ Annex to decision I/7, para. 21; Guide to the ACCC (fn1), para. 116.

Session Act, it may nevertheless make an application for judicial review under subsection 1(b) of section 27A, since this provision allows the Court of Session to accept applications after the expiry of the three-month period where it considers it equitable to do so having regard to all the circumstances.

25. Moreover, the United Kingdom contends that the application of judicial review in Scotland is not "unreasonably prolonged", prohibitively expensive, nor is it a remedy which "obviously does not provide an effective and sufficient means of redress", within the meaning of paragraph 21 of the annex to decision I/7.
26. In addition, the United Kingdom observes that a process of public consultation concerning further reform of the PEO rules in Scotland was conducted by the SCJC in 2025,¹⁴ and that the Communicant participated in that public consultation.¹⁵ Furthermore, the United Kingdom affirms that the Communicant will have a further opportunity to participate as, in response to the feedback received, the SCJC has publicly committed to publish a further public consultation during 2026. This new consultation process will also concern the preparation of draft rules to extend PEOs to proceedings in the sheriff courts and Sheriff Appeal Court. With this new consultation process imminent, the United Kingdom maintains that domestic procedures are the appropriate setting for the Communicant to pursue this matter.
27. Given the opportunities to participate in the SCJC's public consultations on PEOs in both 2025 and 2026, and the availability of judicial review as a timely, effective and affordable remedy in this matter, and given the Communicant's failure to make use of this remedy, the United Kingdom calls on the Committee to determine that the present compliance proceedings should be discontinued.

D. COMPLIANCE WITH ARTICLE 8

28. In the event that the Committee determines that the communication is admissible, the United Kingdom submits that it has complied fully with article 8 of the Convention during the preparation of the 2024 PEO Amendments.

¹⁴ A copy of the SCJC website hosting the various documents related to the 2025 consultation on PEO Rules is included at Annex 12.

¹⁵ The list of participants in the 2025 consultation, including the Communicant, is shown at Annex 13.

29. Article 8 provides:

"Each Party shall strive to promote effective public participation at an appropriate stage, and while options are still open, during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment.

To this end, the following steps should be taken:

- (a) Time-frames sufficient for effective participation should be fixed;
- (b) Draft rules should be published or otherwise made publicly available; and
- (c) The public should be given the opportunity to comment, directly or through representative consultative bodies.

The result of the public participation shall be taken into account as far as possible."

(i) Nature of the Article 8 obligation

30. The Committee has clarified that article 8 imposes on Parties an obligation to take action in order to promote effective public participation during the preparation by public authorities of generally applicable rules or regulations. In its findings in Communication 120, the Committee observed:

"[Article 8] obliges the Parties to 'strive to promote effective public participation at an appropriate stage'. This expresses an obligation of a somewhat 'softer' nature than the obligations set out in articles 6 and 7, meaning that the Parties must show that they make efforts to provide for public participation in the preparation of legislation and other generally applicable legally binding normative instruments. In comparison with articles 6 and 7, article 8 gives the Parties greater leeway in deciding how to fulfil this obligation."¹⁶

31. As the preceding quote indicates, the nature of the obligation provided in article 8 is an obligation of conduct, as opposed to an obligation of result. The imperative enshrined in this article – that "*each party shall strive*" – requires Parties to "make efforts" towards the goal of promoting effective public participation, as the Committee explained in Communication 120 above. In its Implementation Guide to the Convention, UNECE has noted that article 8 provides "a comparatively soft obligation", and that it "uses indicative rather than mandatory wording for the steps to be taken."¹⁷ According to UNECE, the determination of whether a Party has complied with its article 8 obligation is "not based on results, but on efforts. Parties are required to make efforts towards the attainment of public participation goals."¹⁸

¹⁶ Findings and recommendations with regard to Communication ACCC/C/2014/120 (Slovakia), ECE/MP.PP/C.1/2021/19, 23 September 2021, para. 103.

¹⁷ United Nations Economic Commission for Europe, *The Aarhus Convention: An Implementation Guide*, 2nd edition, 2014, p. 181.

¹⁸ Ibid.

32. As this last quote observes, and as the United Kingdom has previously emphasised to this Committee, the obligation imposed by article 8 concerns the promotion of effective public *participation* by each Party. The provision makes no mention of 'public consultation', nor does that term appear anywhere else in the Convention. The Committee has recognised that, given the general manner in which the obligation in article 8 is framed, "Parties are then left with some discretion as to the specificities of how public participation should be organized."¹⁹ Similarly, the Implementation Guide has noted that, while "[t]here is no set formula for public participation", the object of article 8 is that:

"[u]ltimately, public participation should result in some increase in the correlation between the view of the participating public and the content of the decision. In other words, the public input should be capable of having a tangible influence on the actual content of the decision. When such influence can be seen in the final decision, it is evident that the public authority has taken due account of public input."²⁰

33. Although, as this Committee and the UNECE Implementation Guide recognise, Parties retain discretion as to the specific actions they might take in the circumstances in order to fulfil the article 8 obligation to strive to promote effective public participation, paragraphs (a)–(c) of article 8 provide further guidance as to steps that may be taken to this end. The United Kingdom submits that these specific steps are *not required in all circumstances* where a generally applicable binding rule is introduced. These steps are not themselves obligatory, but are *recommended means* by which the general obligation to apply effort to promote public participation might be fulfilled: according to the terms of article 8, these are steps which "*to this end* [of promoting public participation]... *should be taken*". In article 8, mandatory language ("shall") is reserved for two obligations: the general obligation of conduct ("Each Party *shall strive* to promote...") and the specific obligation to take into account the results of public participation ("The result of the public participation *shall* be taken into account as far as possible"). Parties retain the flexibility to take other steps, besides those listed in paragraphs (a)–(c) in order to fulfil the obligatory elements of Article 8.

(ii) Fulfilment of the requirements by the United Kingdom

¹⁹ Findings and recommendations with regard to communication ACCC/C/2010/53 (United Kingdom), ECE/MP.PP/C.1/2013/3, 11 January 2013 at para. 84, affirmed by the Committee in Findings and recommendations with regard to communication ACCC/C/2017/150 (United Kingdom), ECE/MP.PP/C.1/2025/11, 14 October 2025, at para. 96.

²⁰ Aarhus Convention Implementation Guide (fn 17), p. 120.

34. The United Kingdom submits that it has complied with its obligations under article 8, having taken sufficient and suitable steps to promote effective public participation in the process of preparing rules for the provision of protective expenses orders in Scotland, including the 2024 PEO Amendments, as already set out above in paragraphs 7–21. Notwithstanding its position, stated at paragraph 33 above, that the steps listed in paragraphs (a)–(c) of article 8 are merely recommendatory, the United Kingdom submits that, in the course of its efforts to promote public participation, it has in any case completed each of those steps, and has fulfilled the obligation to take the results of public participation into account as far as possible. The following paragraphs particularise the efforts undertaken by the United Kingdom to the end of promoting effective public participation.

(a) Fixed time frame sufficient for effective participation

35. When announcing on 28 March 2017 the commencement of a formal consultation process on draft rules for PEOs, the SCJC provided and publicised a definite, fixed time frame that afforded the public a sufficient opportunity of just over three months to participate in the consideration of draft rules for PEOs.
36. In keeping with the requirements of article 8, this consultation was conducted "at an appropriate stage" and "while options [were] still open", well in advance of the enactment of the 2024 PEO Amendments, which were intended to implement the results of that consultation process.
37. The United Kingdom acted well within the scope of the discretion which, as the Committee has affirmed,²¹ is retained by Parties to the Convention when it comes to the precise modalities for promoting public participation in the process of preparing relevant rules and regulations, when the SCJC decided that it was not necessary to open a new formal consultation period for the purposes of finalising the 2024 PEO Amendments.
38. In reaching this decision, the SCJC took into account a range of circumstances at that time. These circumstances included:

²¹ Findings regarding Communication 120(Slovakia)(fn 16), para. 103.

- a. the SCJC had already obtained during the 2017 consultation numerous indications from the public in respect of three issues which had not been addressed in the 2018 PEO Rules, namely: the availability of costs protection on appeal, the confidentiality of financial information, and the implied exposure to an intervener's expenses in judicial review proceedings;
- b. the SCJC had access to the submissions received by this Committee in 2020 from observers, including a submission made by the Communicant, in response to the United Kingdom's Final Progress Report on decision VI/8k,²² which commented on these three outstanding issues;
- c. when conducting a public consultation, the SCJC follows the approach it has set out in its own guidance paper, 'The Consultation Process'.²³ That document reflects the guidance provided in the the Scottish Government's Consultation Guidance,²⁴ which incorporates the United Kingdom Government's Consultation Principles 2018.²⁵ These documents affirm that the overarching purpose of improving public consultation may be achieved by observing various principles, including: that a consultation should be clear and concise, should last for a proportionate amount of time, and should be targeted. The United Kingdom Consultation Principles recommend that consultations should not be conducted "for the sake of it", and that consultation responses should be taken into account when taking policy forward.²⁶

39. In view of these numerous factors, the SCJC considered it appropriate and sufficient to rely on the 2017 consultation exercise for the purposes of drafting the amendments set out in the 2024 instrument. These 2024 amendments were themselves responsive to the input provided by the public during the formal consultation, and their drafting

²² Observations on the United Kingdom's 3rd Progress Report on Aarhus Convention Decision VI/8k dated 29 October 2020 by the Royal Society for the Protection of Birds, Friends of the Earth, Friends of the Earth Scotland, Environmental Rights Centre for Scotland, Mr Roger Black, and Mr Benjamin Christman (Annex 14).

²³ Annex 15 provides the version of the SCJC consultation guidance applicable at the relevant time: 'The Consultation Process', published 31 January 2024. An updated version of the guidance, 'The "Consultation Process" Used by the SCJC', was published on 8 August 2025 and is attached at Annex 16.

²⁴ Annex 17.

²⁵ Annex 18.

²⁶ Government of the United Kingdom, Consultation Principles 2018, Annex 18, para. B.

represented a continuation and refinement of the process of introducing rules providing for PEOs in Scotland which was the subject of formal public consultation in 2017. The SCJC had gathered sufficient information from the public to make the necessary changes to the PEO rules, and it considered it vital to do so without delay given the importance of demonstrating the United Kingdom's continuing commitment to the objectives of the Convention.

40. The SCJC also considered that carrying out a second formal consultation in respect of the details of the particular amendments required would place an unnecessary burden on the public when numerous participants had already provided their views.

(b) Public availability of the draft rules

41. The SCJC published the draft rules making provision for PEOs at the launch of its consultation period in 2017 and made them available on the SCJC website.²⁷ The 2024 PEO Amendments were implemented in response to the comments concerning those draft rules which had been provided by the public during the consultation period in 2017, as well as in the formal review process carried out by this Committee, and otherwise, as listed above in paragraphs 15–16.

(c) Opportunity for public to comment

42. The public was given the opportunity to comment directly to the SCJC, the relevant public authority for these purposes, both during the formal consultation period, and at any time thereafter. The SCJC's website includes on its pages (including, in particular, those pages concerning PEOs, such as the announcement of the 2024 PEO Amendments (Annex 9), an invitation to the public to share comments on any court rules. Together with a direct link to the SCJC Secretariat's email address, each page states: "The SCJC welcomes feedback on any aspect of court rules. Please email your comments to the Secretariat."

(d) Taking the result of public participation into account as far as possible

²⁷ See Annex 19.

43. The SCJC duly took into account the contributions received from the public during the preparation process when formulating 2024 PEO Amendments. For a start, the content of the 2024 PEO Amendments show clearly the tangible influence of the public input, as they respond to proposals first articulated by the public during the 2017 consultation. Furthermore, the SCJC acknowledged the significance of the public's participation when it announced that the rules on PEOs had been amended by the 2024 PEO Amendments. The SCJC stated:

"The Council consulted on the Protective Expenses Order (PEO) rules in 2017, with the key changes then enacted as the 2018 PEO Rules. These latest amendments further support environmental actions being raised and implement a further three suggestions made by respondents to that 2017 consultation which are:

- That a PEO should carry over to proceedings in the Inner House as standard, regardless of whether the petitioner or respondent is appealing the original decision;
- That a provision should be added to explicitly provide for the confidentiality of all financial information provided by the petitioner or respondent; and
- That a provision should be added so that there is improved clarity on the potential exposure to an intervener's expenses."²⁸

E. CONCLUSION

44. For these reasons, the Government of the United Kingdom therefore respectfully requests that the Committee make one of the following findings:
- (1) the communication as a whole is inadmissible;
 - (2) these proceedings are discontinued, given the availability of domestic procedures; or
 - (3) the United Kingdom has complied with its obligations under article 8 of the Convention in the process of preparing the 2024 PEO Amendments.
45. The Government of the United Kingdom would be happy to answer any questions and provide further clarification in order to assist the Committee during its deliberations, including by making oral submissions if the Committee considers them necessary.

17 April 2026

²⁸ Annex 9.

LIST OF ANNEXES

1. SCJC announcement of the public consultation on draft rules for protective expenses orders, 28 March 2017.
2. SCJC Consultation Document: Consultation on Draft Court Rules in Relation to Protective Expenses Orders.
3. SCJC list of individuals and entities invited to participate in the public consultation.
4. List of responses received by SCJC during 2017 public consultation.
5. SCJC Consultation on Draft Court Rules in relation to Protective Expenses Orders: Analysis of Responses, October 2017.
6. SCJC announcement of 2018 PEO Rules, 27 November 2018.
7. Act of Sederunt (Rules of the Court of Session 1994 Amendment)(Protective Expenses Orders) 2018.
8. Act of Sederunt (Rules of the Court of Session 1994 Amendment)(Protective Expenses Order) 2024.
9. SCJC announcement of the 2024 PEO Amendments, 28 June 2024.
10. Act of Sederunt (Rules of the Court of Session 1994) 1994, Chapter 58.
11. Court of Session Act 1988 (Annex 11), sections 27A–27D.
12. SCJC webpage regarding the 2025 consultation on the PEO Rules.
13. List of responses received by SCJC during 2025 public consultation.
14. Observations on the United Kingdom's 3rd Progress Report on Aarhus Convention Decision VI/8k dated 29 October 2020 by the Royal Society for the Protection of Birds, Friends of the Earth, Friends of the Earth Scotland, Environmental Rights Centre for Scotland, Mr Roger Black, and Mr Benjamin Christman.

15. SCJC Paper, 'The Consultation Process', version 1.1, 31 January 2024.
16. SCJC Paper, 'The "Consultation Process" Used by the SCJC', 8 August 2025.
17. Scottish Government's Consultation Guidance.
18. Government of the United Kingdom, Consultation Principles 2018, paragraph B.
19. 2017 Draft Protective Expenses Orders Rules.