

ITEM 4.4: STYLE GUIDE AND INSTRUCTING PROCESS FOR RULES**Purpose**

1. To ask the Council to consider a draft style guide (**Paper 4.4A**) for rules drafted under the Rules Rewrite Project, an outline process for instructing rules (**Paper 4.4B**) and a template for covering papers to accompany proposals for rules (**Paper 4.4C**).

Discussion

2. The Rules Rewrite Working Group's (RRWG) Interim Report was published on 28 March 2014. The Report delivered on the Group's remit to consider the objective of the rules, review the approaches undertaken in other jurisdictions and develop a rules rewrite programme, with consideration to be given to the style guide and instructing process thereafter.
3. The RRWG considered the style guide and outline process at its meeting of 29 May. Since the Group's consideration, it occurs to the Secretariat that it would be helpful to provide for an expedited process through which urgent or purely consequential or straightforward technical amendments with little or no policy implications (such as the correction of errors) may be submitted directly to the Council without requiring to be considered by a committee in the first instance.
4. Subject to member's consideration, it is intended to further develop the internal processes to be used at an official level in conjunction with the drafting team and the Lord President's Private Office.
5. The template cover paper for rules proposals provided at **Paper 4.4C** has been developed with a view to ensuring that all necessary considerations are taken into account prior to proposals being put forward for consideration. The template includes the assessment of compatibility with the SCJC's guiding principles, as has been discussed at previous meetings.
6. Subject to discussion at today's meeting, it is intended to prepare a final report on the Rules Rewrite Project in the autumn, once the final content of the Courts Reform (Sc) Bill is known. This would allow for any necessary modifications in approach (particularly on the programme for making the new rules) to be made in light of amendments to the Bill once passed. Prior to any publication we will also require to check with the Scottish Government what of its guidance may be referred to.

Recommendation

- 7. Members are invited to consider and, if content:**
 - a. approve the style guide, outline process (including the expedited process for considering urgent/consequential rules), and the template covering paper for proposals for rules; and**
 - b. approve the preparation of a final report on the Rules Rewrite Project following the parliamentary passage of the Courts Reform (Sc) Bill.**

SCJC Secretariat

June 2014