

**MEETING OF THE SCOTTISH CIVIL JUSTICE COUNCIL**  
**MONDAY 14 MARCH 2016 AT 10 AM**  
**EDINBURGH TRAINING AND CONFERENCE VENUE, 16 ST MARY'S STREET,**  
**EDINBURGH**

**APPROVED MINUTES**

**Members Present:** Lord Menzies (Deputy Chairman)

Eric McQueen (Chief Executive, SCTS)

Colin Lancaster (Chief Executive, SLAB)

Jan Marshall (Scottish Ministers' representative)

Sheriff Principal Abercrombie

Sheriff Hughes

Andrew Stewart QC (Advocate)

Kenneth Forrest (Advocate)

Eric Baijal (Solicitor)

Jaqueline Harris (Solicitor)

Lauren Bruce (Consumer representative)

Ian Maxwell (Consumer representative)

Prof. Fran Wasoff (LP member)

Employment Judge d'Inverno (LP member)

**In attendance:** Jane MacDonald (SCTS Policy and Legislation Branch)

Craig McCorkindale (Director for Civil Courts Reform, SCTS)

**Support:** Roddy Flinn (Secretary to the Scottish Civil Justice Council)  
Kenny Htet-khin (Head of Rules Rewrite Drafting Team)  
Luke McBratney (Deputy Legal Secretary, Rules Rewrite Drafting Team)  
Mandy Williams (Deputy Secretary to the Scottish Civil Justice Council)  
Karen Stewart (Business and Policy Manager, Scottish Civil Justice Council)

**Apologies:** The Lord President  
Lord Tyre  
Paul Reid (Solicitor)  
Gillian Prentice (Deputy Principal Clerk of Session)

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

1. The Chairman welcomed those present and introduced Karen Stewart, Business and Policy Manager to the Scottish Civil Justice Council. The Chairman advised members that Lord Jones had died and offered condolences on behalf of himself and the Lord President.
2. The Chairman noted apologies from The Lord President, Lord Tyre, Paul Reid (Solicitor) and Gillian Prentice (Deputy Principal Clerk of Session)
3. The Council agreed not to publish the following papers: 2.2, 2.3, 3.1, 4.3, 5.1, 5.2 and 5.2A.

### **Item 2: Previous meeting**

#### *Item 2.1 – Minutes of previous meeting (Paper 2.1)*

4. **Members agreed the minutes from the previous meeting. There were no matters arising.**

*Item 2.2 – Progress of actions from previous meetings (Paper 2.2)*

5. Mandy Williams provided the Council with an update on progress with the development of a private members area of the Scottish Civil Justice Council website. Further development work is required in order to add Committee structure to the site and to allocate user accounts. This work will be carried out by the secretariat and it is anticipated that the site updates will be launched prior to the next Council meeting. Mandy Williams will contact members to allocate individual passwords.

6. **Members noted the progress that had been made on actions since the last meeting.**

*Item 2.3 – Items by correspondence (Paper 2.3)*

7. **Members noted Paper 2.3** which provided a summary of the outcome of consideration given to the following matters raised by correspondence since the last meeting:

A. Fees of Sheriff Officers and Messengers-at-Arms

*Papers were circulated to members on 03 February 2016 presenting draft rules which proposed an interim increase of fees of messenger-at-arms and sheriff officers of 1.3%, in line with Consumer Price Index (CPI).*

***The instruments were made on 12 February 2016 and come into force on 01 April 2016.***

B. Signing of docquets in appeals

Papers were circulated to Council members on 03 February 2016, presenting draft rules amending the Rules of the Court of Session in relation to the signing of forms 40.2 and 41A.2.

***The instrument was made on 15 February 2016 and comes into force on 21 March 2016.***

**Item 3: Proceedings***Item 3.1 – Membership (Paper 3.1)*

8. The Council considered a request from the Scottish Government to change their current representative on the Council's Personal Injury Committee. This request has arisen due to internal staff changes.

9. **The Council approved the following change to the standing appointments: Walter Drummond-Murray was appointed as the Scottish Government representative of the SCJC Personal Injury Committee.**
10. The Chairman advised the Council that Clair McLachlan had resigned from the Family Law Committee.
11. **The Council noted its thanks to Ms McLachlan for her contribution to the work of the Committee.**
12. The Chairman advised members that work is progressing on the recruitment of new Council members in respect that the tenure period for inaugural Council members expires in May. It has been agreed that the Statement of Appointment Practice applies to re-appointments and accordingly all appointees require to apply for Council membership. The Deputy Secretary has discussed the issue with all members affected by this requirement.
13. The Chairman advised members that a recruitment exercise will be launched shortly seeking to appoint one solicitor, two consumer representatives and two LP members. The Chairman advised that judicial appointments to the Council are for the Lord President's sole consideration and that these appointments are also under consideration.
14. **The Council noted that members who wished to be considered for appointment under specified categories should apply and that Mandy Williams will provide further information upon request.**

#### **Item 4: Work Programme**

##### *Item 4.1 – Update from the Scottish Government on legislative developments (Oral)*

15. Jan Marshall provided members with an update on legislative developments in the Scottish Government. In particular, The Succession (Scotland) Bill completed Stage 3 on 28 January. The Bankruptcy (Scotland) Bill completed Stage 2 on 23 February and is due to complete stage 3 by 22 March.

##### *Item 4.2 – Update from SCTS on Making Justice Work programme of reform and Shaping Scotland's Courts (Oral)*

16. Craig McCorkindale provided the Council with an oral update on the work of the programmes. In particular he advised that the first tranche of summary sheriffs will take up their appointments on 1 April 2016. This includes some current Stipendiary Magistrates who will be appointed to the new judicial tier.

17. Mr McCorkindale advised that the Simple Procedure consultation had ended on 3 March and that the Making Justice Work Board will consider joint SG/SCJC proposals for staggered implementation at their forthcoming meeting later this month.
18. In relation to the SCTS Integrated Case Management System project (ICMS), Mr McCorkindale advised that focus has now moved to the implementation stages of the project with a 'go live' target date of October 2016.
19. Mr McCorkindale advised the Council that a demonstration of the system is planned for the Family Law Committee and that various testing and demonstrations were scheduled across the court estate in the coming months.
20. Ian Maxwell asked what the next stage of system development will be after October 2016. Mr McCorkindale advised that enhancements to the system will be worked on as part of ongoing digital developments in the courts.
21. **Mr McCorkindale agreed to deliver a demonstration of the ICMS system at the Council's meeting in July 2016.**

Item 4.3 BusinessTracker (Paper 4.3)

22. Mandy Williams provided an oral update on items contained in the business tracker. In particular she drew attention to publication of the second SCJC Update. In addition she advised members that the Secretariat have undertaken a higher degree of 'horizon scanning' in recent months and that this was likely to assist in managing the work of the Council and Committees more effectively. Mrs Williams advised that following the Strategy meeting, the focus of business will be in preparing the Council's Annual Report and Programme.
23. The Chairman intimated that positive feedback has been received about the SCJC Update.
24. **Members noted the paper and expressed thanks to Mrs Williams for the success of the SCJC Update.**

**Item 5: Rules Rewrite**

Item 5.1 – Rules rewrite: update (Oral and Paper 5.1)

25. Kenny Htet-Khin provided an oral update on the matters contained in the work tracker. In particular, he advised that the consultation on the draft Simple Procedure Rules is now closed and that work was ongoing to consider the responses and their impact upon the drafting of the rules. In particular, the Council was advised that a number of consultation responses requested consultation on the special claims

rules. The Council discussed the implications of this. The Rules Rewrite Drafting Team advised they were discussing the matter with Scottish Government officials.

26. He also advised that the Costs and Funding Committee would be considering a draft Compulsory Pre-Action Protocol at their forthcoming meeting and that the target date for implementation of the protocol is November 2016.

27. **The Council noted the paper.**

28. Sheriff Principal Abercrombie advised that a reflective event on the Courts Reform implementation process took place on 8 February. The event was held to enable the Rules Rewrite Drafting Team (RRDT) to learn lessons from the implementation process so far. The event discussed implementation of the Sheriff Appeal Court Rules and work to date on the draft Simple Procedure rules. Sheriff Principal Abercrombie advised that the event had been extremely useful and expressed thanks on behalf of the Council to the Rules Rewrite Drafting Team for taking this forward.

#### Item 5.2 – Rules Rewrite Project Implementation

29. Kenny Htet-Khin introduced the Rules Rewrite Scoping Paper and provided an overview of the project plan. Mr Htet-Khin advised that the lessons learned from the recent reflective session referred to by Sheriff Principal Abercrombie have been incorporated into the scoping paper. Mr Htet-Khin highlighted that cross-working with the Council and Committees during the course of policy development will be vital going forward.

30. **The Council approved the Rules Rewrite Project Plan and remitted the plan to the Rules Rewrite Committee for implementation.**

#### **Item 6: AOCB**

31. There was no further business.

#### **Item 7: Dates of future meetings**

32. Members noted the dates of future meetings:

- Monday 16 May 2016 at 10 am
- Monday 11 July 2016 at 10 am
- Monday 03 October 2016 at 10 am

- Monday 21 November 2016 at 10 am

**Scottish Civil Justice Council Secretariat**

**March 2016**