

## **Council Conclusion of Business by Correspondence: Mandatory Use of Civil Online for Simple Procedure Cases**

The Scottish Civil Justice Council convened an extraordinary virtual meeting on Thursday the 9<sup>th</sup> of July 2020. The meeting was convened to consider an urgent rules request from the Scottish Courts and Tribunals Service (SCTS) that sought to make the use of Civil Online mandatory for Simple Procedure cases. The full minutes from this meeting are available on the Council's [website](#).

Council members were provided with updated draft rules to comment and approve through correspondence on the 22<sup>nd</sup> of July, with a response date of the 5<sup>th</sup> of August.

In terms of comments made there were two key points:

- **Exception Test** – the drafting of the exception to the rules should meet the intention of the Council for a “low bar” to avoid prejudice to any claimant, which might impact on access to justice. Suggested drafting was put forward on this point.
- **Commencement date** –The Council did not agree on a commencement date at their meeting on the 9<sup>th</sup> of July. In responding to the updated draft rules, Council signalled that making the rules should be withheld until the API is available.

The SCJC secretariat will now proceed with redrafting the rules to reflect the comments received from Council members. This will include an exception test and references to the Scottish Courts and Tribunals Service interface and online submission portal. The rules will also contain a sunset provision to enable a period of monitoring and review.

The rules will also not be made until SCJC has had confirmation that the new SCTS interface is available. As there is currently no confirmed date for completion of the interface, the SCTS has undertaken to regularly update the SCJC on its progress. As a result, there will be around a one month period between the interface being available and the rules coming into force.

**Scottish Civil Justice Council Secretariat**

**August 2020**