

HIGH COURT REFORM PROGRAMME BOARD

NOTE OF MEETING HELD AT ST. ANDREW'S HOUSE

ON TUESDAY, 31 AUGUST 2004

Present:

Lord Macfadyen
Paul Smart, JD
Micheline Brannan, JD

Ruaraidh Macniven, LPPO
John Anderson, SCS
Malcolm Dickson, ACPOS

Wilma Dickson, JD
Tom Fyffe, JD,
Tony Simpson, SPS

Norman McFadyen, COPFS
Andrew Laing, COPFS
Lindsay Montgomery, SLAB
Allan Finlayson, SCS

Apologies were received from Alison Coull, OSSE.

The meeting opened with a presentation to Lord Macfadyen, which summarised what were considered to be the critical success factors that will have to be achieved to ensure success of the reform programme and the progress that has been made towards achieving each of these to date.

A summary of the presentation (which covered the majority of the items on the agenda for the meeting), is attached. The main points raised in the discussion that followed are included under the various agenda items below.

Item 1: Minutes of Meeting of 29 June 2004.

1.1 The Minutes were approved.

Item 2: Matters Arising.

Item 3: Highlight/Progress Report

2.1 The current position was noted. Matters highlighted were discussed under other items on the Agenda.

Item 4: Communications and Training

3.1 The minutes of the meeting of the Training and Communications Planning Group held on 19 August had been circulated in advance.

3.2 There has been some adjustment to the format of the launch event planned for 4th October, with a question and answer session now scheduled to take place after conclusion of the speeches. It will be necessary to ensure the attendance of someone on the panel who would be equipped to answer questions on the legal aid provisions. Press Officers of the various bodies are being consulted to ensure a common approach to enquiries.

3.3 The intention now is to hold separate, but linked, events for the High Court reform programme and for the vulnerable witness provisions. Both would be evening events, which should promote a greater turn out and provide a less strenuous programme for delegates. The need to emphasise the link between the two areas will be stressed, and participants invited to consider attendance at both events. The road shows will also be used to assist in identifying what further training is required by practitioners.

3.4 The Judges have expressed an interest in becoming involved with the training events being organised by the profession.

3.5 Clear explanation of how the various components of the new system will work in practice will be of paramount importance and will go a long way to ensure that the profession buy into the changes and are committed to making them work. This should help bring about the desired cultural change. The Practice Note should also contribute greatly in helping to achieve this.

Item 5: Evaluation and Monitoring

4.1 The minutes of the meeting of the Evaluation and Monitoring Sub Group held on 17 August had been circulated in advance of the meeting. The contract for the research programme has now been signed off and work is progressing. A strategy for obtaining input from victims, witnesses and jurors is being developed. It is planned that a report on the success or otherwise of the reforms will be presented to Parliament some 18 months after commencement of the legislative provisions.

Item 6: Impact of Change to Sheriff Court Sentencing Powers.

5.1 The Sheriff Courts are making increased use of their extended powers of sentence, and at least one 5 year sentence was passed during June. It was noted that the statistical table produced was in need of some refinement, as it included sentences of three years, whereas only those of over three years reflected the increase in sentencing options provided for by the change.

Item 7: Implementation of Provisions on Disclosure of Evidence

7.1 The draft Practice Statement is almost complete. It will be sent to the Lord Justice General and circulated to consultees during September. COPFS are developing systems to support the Statement and are working with ACPOS to ensure that its provisions operate smoothly in practice.

Item 8: Transitional Provisions

8.1 These have now been circulated for comment and responses are awaited. The provisions are complex, and clear explanatory guidance will be essential.

Item 9: Strategic Risk Analysis

It was agreed that the analysis fairly reflects the current position. An exceptional increase in the volume of solemn business was not anticipated.

Item 10: AOCB

10.1 The Judges have discussed the draft Act of Adjournal, Draft Practice Note and a paper on court programming. They are now largely content with the terms of the Act of Adjournal. Lord Macfadyen is currently collating the judge's views on the Practice Note and the Court Programming paper. It is intended that consultation on the Act of Adjournal will take place in late September, with the order being formally signed off in January 2005, after consideration by the Criminal Courts Rules Council. The order should be in near final form well before that date. Consultation on the Practice Note is likely to take place very soon after that on the Act of Adjournal, after consideration by the Lord Justice General.

10.2 The first stage of the software for the electronic diary being developed by SCS has been delivered and is currently being tested. This is proceeding well. The software can easily be adjusted in the light of experience, should that prove to be necessary.

10.3 The Criminal Justice Department is in close contact with colleagues in the Legal Aid Division to ensure that all the necessary legal aid requirements are in place before the reform programme gets underway.

10.4 A similar steering group to this has been set up to oversee the introduction of the vulnerable witness provisions, and there will be vulnerable witness representation at the launch event on 4 October.

10.5 There has been a significant increase in the number of requests made to the Legal Aid Board for sanction for the employment of counsel in the Sheriff Courts. Applications were currently some 25% up on the corresponding figures for last year.

Item 11: Date of Next Meeting.

11.1 This will be scheduled for mid to late October.

HCRPB Secretariat
September 2004