

HIGH COURT REFORM PROGRAMME BOARD

NOTE OF MEETING HELD AT ST. ANDREW'S HOUSE

ON TUESDAY, 29 JUNE 2004

Present:

Paul Smart, JD
Ian Walford, JD

Norman Dowie, SCS
Malcolm Dickson, ACPOS

Wilma Dickson, JD

Norman McFadyen, COPFS

Paul Davidson, SPS

Lindsay Montgomery, SLAB
Allan Finlayson, SCS

Apologies were received from Moira Ramage, Procurator Fiscal, Greenock, Alison Coull, OSSE, John Anderson, SCS, Micheline Brannan, JD, Tom Fyffe, JD, Ian Allen, JD, David Henderson and Ruairaidh Macniven, LPPO.

Item 1: Minutes of Meeting of 7 May 2004.

The Minutes were approved.

Item 2: Matters Arising.

A draft of the Act of Adjournal is being considered by judges. The period during which back up trials will 'float' has not yet been decided.

Consultation by the Lord Justice General on the Act of Adjournal will probably take place in September this year, with bodies including the Faculty, Law Society and SLAB.

It is anticipated that a near final version of the Act of Adjournal will be available for use at the road shows planned for November/December

Item 3: Highlight/Progress Report

The current position was noted. The first set of Sheriff Court statistics on the impact of the change to Sheriffs' sentencing powers has now been submitted. The High Court will also be carrying out an exercise to compare business processed last year with this year, on a monthly basis.

There has been little change in the number of applications made to SLAB for sanction of counsel in the Sheriff Court since the commencement of the change to Sheriffs' sentencing powers was introduced in May.

Item 4: Communications and Training

The minutes of the meeting of the Training and Communications Planning Group held on 16 June were noted.

It is expected that both the High Court and the Sheriff Courts will curtail their business on 4th October to allow for maximum attendance at the training events and the plenary event scheduled for the afternoon. Material on the legal aid aspect of the reforms is something that might usefully be included in the latter. The Faculty, Law Society and others will hold their training events in the morning.

The road shows planned for the late autumn will have material on both the High Court reforms and the Vulnerable Witnesses Act. Details of further training events planned for early in the New Year are still to be firmed up. It is thought that these might involve joint initiatives between the Faculty, Law Society, The Society of Solicitor Advocates, and COPFS.

Item 5: Evaluation and Monitoring

The minutes of the meeting of the Evaluation and monitoring Sub Group held on 1 June were noted. All High Court cases submitted to Justiciary Office as from 28 June this year will be registered on the High Court computer system, which should make the task of those researching the impact of the reforms much easier.

It was noted that any information obtained on financial measures should be shared with the vulnerable witnesses initiative.

Item 6: Strategic Risk Analysis

This is to be kept under review and any new thoughts should be submitted to Allan Finlayson for consideration by the group.

All parties involved in the reform programme might wish to consider whether the resources that they have allocated/been allocated are sufficient to see the project through to a successful conclusion. This might best be checked in late summer, when the programme plan for the summary justice review becomes clearer. A paper on the issue should be produced in October, with contributions from those involved.

Wilma Dickson and Allan Finlayson will take this forward in due course.

Item 7: Transitional provisions

It seems inevitable that two procedural systems will have to run in tandem for a short time in the spring of 2005, one for cases commenced before any of the changes are brought into force and one for those to which the changes apply. The transitional provisions might have to be commenced as early as February to fit in with the various time limits that will apply to cases due to come before the court in April. It is anticipated that all trials scheduled to take place after April 2005 will follow the new procedures.

The transitional provisions are complex, but it is hoped to have them agreed by the end of September and available for discussion at the autumn road shows. Detailed guidance will be issued, and it was felt that professional assistance with this would be desirable.

Item 8: AOCB.

None.

Item 9: Date of Next Meeting.

This will be scheduled for .

HCRPB Secretariat
July 2004