



**SHERIFF PRINCIPAL'S CHAMBERS,  
SHERIFF COURT HOUSE,  
GRAHAM STREET,  
AIRDRIE ML6 6EE**

**Sheriff Principal  
John C McInnes, QC**

DX: 570416 Airdrie  
Telephone: 01236 751121  
Personal Fax: 01236 750980  
E-mail: [sheriffp.jmcinnes@scotcourts.gov.uk](mailto:sheriffp.jmcinnes@scotcourts.gov.uk)

Mrs Glynis McKeand  
Secretary to the Sheriff Court Rules Council  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

30 September 2004

*Dear Mrs McKeand*

#### **SHERIFF COURT RULES COUNCIL CONSULTATION PAPER**

Thank you for your letter of 15 September enclosing a copy of the consultation paper. I have recently returned from holiday. I do not wish to comment in detail on the particular proposals, which I welcome. I only have a few comments to make.

In April last year I was in Melbourne and visited courts there in connection with the work of the Summary Justice Review Committee. In relation to some types of civil business there, as I remember it, the case may be started, progressed and concluded without any paper being generated at all. They seem to have gone further than the Rules Council proposes to go at this stage in the direction of a wholly electronic process. What they do seems to work well. It may be worth the Rules Council's while to find out more, perhaps by all members paying a visit to courts in Victoria! Given the distances in Australia, whole processes can be transferred or accessed remotely. It reduces or eliminates the need for local agents. As I recall it solicitors who were involved in a litigation could access the court file remotely, either from a terminal in a court building or, on payment of a fee for the use of the service, from their chambers. They could file documents electronically but, generally speaking, could not amend them once they were lodged except where amendment was something which was permitted (such as the adjustment of pleadings – the changes to which might be tracked). The ability to view the process on-line appeared to be valued. I would not have thought that it would be difficult to protect court files to a reasonable level. There could be a password in two parts one of which was case specific and the other of which was lawyer specific.

What the Rules Council is proposing is not dissimilar to some of the changes envisaged by the Summary Justice Review Committee in relation to summary criminal justice. For example, we proposed that the principal copy of the complaint should be the electronic version. We envisaged that pleas could be entered electronically and expected that in due course solicitors

would be able to track the progress of cases in which they were involved on-line. It would be sensible for future on-line electronic tracking in relation to civil cases to be compatible with any system for such tracking in relation to summary criminal cases and possibly solemn cases, if only to reduce some of the software costs.

You will be aware of work which is being done for the Government in connection with secure electronic signatures in other fields. Although there may be no need for the authentication of documents in a civil process to be the same as for documents in a criminal process, any necessary authentication should involve the same procedures, to avoid duplication.

Consideration might be given to providing a service to solicitors and advocates, possibly for a fee, which would produce a list of forthcoming dates to which particular cases in which they were interested had been continued. A software module could be produced which would provide that service automatically. This would be a useful tool for them and for the courts which increasingly will have to manage their business more effectively.

*Yours truly*

*John Holmes*

Copied to:

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