

**SHERIFF COURT RULES COUNCIL & COMMITTEES  
BUSINESS PLAN 2007 – 2008**

**Aims of Council:**

- ♦ To review civil practice and procedure within the sheriff court.
- ♦ To consider the need for rules of court flowing from new and amended legislation and to instruct subordinate legislation as required.
- ♦ To support the Council IT Committee established to consider wider use of information technology in dispute resolution.
- ♦ To support the Council Ordinary Cause Committee in the development of Ordinary Cause procedure.
- ♦ To support the Council Bankruptcy & Diligence Working Group established to consider the need for new and or amended rules of court flowing from the legislative changes in the Bankruptcy and Diligence (Scotland) Act 2007.
- ♦ To support the Council Adoption Working Group established to consider the need for new and or amended rules of court flowing from the legislative changes in the Adoption & Children (Scotland) Act 2007

<b>Objectives</b>	<b>Progress to Date</b>
<p><b><u>Full Council</u></b></p> <p>To instruct the necessary subordinate legislation for the legislation under consideration</p>	
Adoption & Children (Scotland) Act 2007	♦ See working group
Bankruptcy and Diligence (S) Act 2007	♦ See working group
<p>Civil Justice Reform</p> <p>Nuffield Foundation Research - Advisory Group chaired by Lord Coulsfield</p>	<ul style="list-style-type: none"> <li>♦ Bill needed, if implemented.</li> <li>♦ Report considered by Council December 2005.</li> <li>♦ Civil Justice Review announced by Scottish Executive February 2007</li> <li>♦ Awaiting outcome of deliberations of review group and Lord Gill's report thereon.</li> </ul>
Miscellaneous Act of Sederunt 2007	♦ to incorporate various issues as may arise
Amendments to Adults with Incapacity Act	<ul style="list-style-type: none"> <li>♦ Council have instructed amended rules</li> <li>♦ Implementation due April 2008</li> </ul>

Objectives	Progress to Date
Adult Support and Protection (Scotland) Act 2007	<ul style="list-style-type: none"> <li>♦ Bill passed Feb 2007</li> <li>♦ Secretariat in consultation with policy holders</li> </ul>
Vulnerable Witness Act (Scotland) Act 2004 Phase 4	<ul style="list-style-type: none"> <li>♦ Acts of Sederunt x 7 Commenced 1 November 2007</li> </ul>
Consumer Credit Act 2006	<ul style="list-style-type: none"> <li>♦ Remitted to Ordinary Cause Committee for detailed consideration – work in progress</li> </ul>
Animal Welfare Act 2006	<ul style="list-style-type: none"> <li>♦ Act of Sederunt Commenced 26 March 2007</li> </ul>
Proceedings for Determination of Devolution Issues Rules	<ul style="list-style-type: none"> <li>♦ Act of Sederunt (Proceedings for Determination of Devolution Issues Rules) Amendment 2007 Commenced 15 August 2007</li> </ul>
European Order for Payment and European small claims proposals	<ul style="list-style-type: none"> <li>♦ Secretariat currently considering implications for rules.</li> </ul>
European Directive on Enforcement of Intellectual Property Rights	<ul style="list-style-type: none"> <li>♦ Draft Act awaited</li> </ul>
EU Regulations on Insolvency	<ul style="list-style-type: none"> <li>♦ Report from Academics received September 2006.</li> <li>♦ Council will further consider findings and draft rules at March meeting</li> <li>♦ Further advice from draftsman sought- continued consideration at June meeting</li> <li>♦ Draft rules have been instructed</li> </ul>
<p><b>IT Committee</b></p> <ul style="list-style-type: none"> <li>♦ To progress the Council's aim to extend the use of IT in Civil Courts in the conjoined Court of Session and SCRC IT Committee</li> <li>♦ To report this Committee's findings and recommendations and progress made to the Sheriff Court Rules Council quarterly</li> </ul>	<ul style="list-style-type: none"> <li>♦ Scottish Court Service working on developing the specification and selecting a contractor for electronic transmission of civil documents in close consultation with the Joint Committee</li> <li>♦ Next meeting – date to be confirmed</li> </ul>

Objectives	Progress to Date
<p><b>Ordinary Cause Committee</b></p> <ul style="list-style-type: none"> <li>♦ To consider draft rules for ADR in the sheriff court</li> <li>♦ To consider draft rules for personal injury actions in the sheriff court</li> <li>♦ To consider draft rules following from Consumer Credit Act 2006 –work in progress</li> </ul>	<ul style="list-style-type: none"> <li>♦ Meetings 13 April 2007, 8 Nov 2007</li> <li>♦ Draft rules for ADR recommended to council – Lord President considering issue of ADR in sheriff and supreme courts.</li> <li>♦ Draft rules for personal injury actions progressing through revisal stages. Anticipate further consideration by council in March 2008</li> </ul>
<p><b>Bankruptcy &amp; Diligence Working Group</b></p> <ul style="list-style-type: none"> <li>♦ In relation to rules of court, to consider the implications flowing from the proposed legislative changes contained in the Bankruptcy &amp; Diligence (Scotland) Act 2007</li> <li>♦ Report back to the Council with proposed amendments to existing rules of court and where needed, new rules of court.</li> </ul>	<ul style="list-style-type: none"> <li>♦ Group Meetings 24 January 2007 28 February 2007 Secretariat met with policy holders and legal advisors on behalf of the working group 20 June 2007</li> <li>♦ Drafting Instructions Issued by secretariat on Part 1 of the Act</li> <li>♦ Lord President's Diligence Advisory Group Meetings : 14 May, 3 July, 27 Aug, 29 Oct 2007. Preparation of relevant secondary legislation ongoing.</li> </ul>
<p><b>Adoption Act Working Group</b></p> <ul style="list-style-type: none"> <li>♦ To assess changes required to rules of court resulting from the Adoption &amp; Children (S) Act 2007 and Adoption Policy Review Group (APRG), evaluate options and thereafter make recommendations to the Sheriff Court Rules Council in order to have rules of court in place for commencement of the Act</li> </ul>	<ul style="list-style-type: none"> <li>♦ The remit of the working group was agreed at the first meeting on 11 July 2007:</li> <li>♦ Implementation of the Act as a whole is anticipated for end 2008.</li> <li>♦ Chapter 2 Child Care and Maintenance Rules 1997 to be repealed and new rules will be prepared for introduction of the Act.</li> <li>♦ A timetable of work was agreed and is available to members on request</li> <li>♦ Date of next meeting 16 Jan 2008</li> </ul>

**Acts of Sederunt :**

- ♦ Act of Sederunt (Ordinary Cause, Summary Application, Summary Cause and Small Claim Rules) Amendment (Equality Act (Sexual Orientation) Regulations 2007) 2007 made 22 June 2007 commenced 20 July 2007

- ♦ Act of Sederunt (Sheriff Court Enforcement Order Rules) Amendment (Extension to Denmark) 2007 made 29 June 2007 commenced 1 July 2007
  
- ♦ SSI 440/2007 Act of Sederunt(Sheriff Court Ordinary Cause, Summary Application, Summary Cause and Small Claim Rules) Amendment (Council Regulation (EC) No 1348/2000 Extension to Denmark) 2007 made 25 Sept, came into force 9 Oct.
  
- ♦ SSI 463/2007 Act of Sederunt (Ordinary Cause, Summary Application, Summary Cause and Small Claim Rules) Amendment (Vulnerable Witnesses (Scotland) Act 2004) 2007
- ♦ SSI 464/2007 Act of Sederunt (Sheriff Court Company Insolvency Rules 1986) Amendment (Vulnerable Witnesses (Scotland) Act 2004) 2007
- ♦ SSI 465/2007 Act of Sederunt (Proceedings in the Sheriff Court under the Debtors (Scotland) Act 1987) Amendment (Vulnerable Witnesses (Scotland) Act 2004) 2007
- ♦ SSI 466/2007 Act of Sederunt (Debt Arrangement and Attachment (Scotland) Act 2002) Amendment (Vulnerable Witnesses (Scotland) Act 2004) 2007
- ♦ SSI 467/2007 Act of Sederunt (Sheriff Court Bankruptcy Rules 1996) Amendment (Vulnerable Witnesses (Scotland) Act 2004) 2007
- ♦ SSI 468/2007 Act of Sederunt (Child Care and Maintenance Rules 1997) Amendment (Vulnerable Witnesses (Scotland) Act 2004) 2007
- ♦ SSI 469/2007 Act of Sederunt (Chancery Procedure Rules 2006) Amendment (Vulnerable Witnesses (Scotland) Act 2004) 2007

*each of the above instruments made 17 Oct, came into force 1 Nov.*