

**SHERIFF COURT RULES COUNCIL & COMMITTEES  
BUSINESS PLAN 2009 – 2010**

**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 Lord President’s Advisory 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

Objectives	Progress to Date
<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	<ul style="list-style-type: none"> <li>◦ See working group</li> </ul>
Bankruptcy and Diligence (S) Act 2007	<ul style="list-style-type: none"> <li>♦ See Lord President’s Advisory group on Diligence</li> </ul>
Child Care & Maintenance Rules 1997	<ul style="list-style-type: none"> <li>◦ Awaiting policy paper from Scottish Government addressing issue of fees for safeguarders and curators <i>ad litem</i></li> </ul>
Civil Courts Review	<ul style="list-style-type: none"> <li>♦ Civil Courts Review announced by Scottish Executive February 2007</li> <li>♦ Awaiting outcome of deliberations of review board and Lord Gill’s report</li> </ul>

Objectives	Progress to Date
Consumer Credit Act 2006	<ul style="list-style-type: none"> <li>♦ Under scrutiny by Council</li> </ul>
Finance Act 2008	<ul style="list-style-type: none"> <li>◦ Draft instrument to be cleared by the Chairman once the commencement order for the transitional provisions is made</li> </ul>
Motion for Dismissal	<ul style="list-style-type: none"> <li>◦ Draft rules originally instructed 12/9/07</li> <li>◦ Further instructions issued 10/9/08</li> </ul>
Public Health (Scotland) Act 2008	<ul style="list-style-type: none"> <li>◦ Council agreed that applications are to be by prescribed form. Secretariat to instruct drafter on that Basis</li> <li>♦ Draft SSI under scrutiny by council</li> </ul>
Tribunals, Courts & Enforcement Act 2007	<ul style="list-style-type: none"> <li>◦ Under scrutiny by Council</li> </ul>
Pensions Act 2008	<ul style="list-style-type: none"> <li>♦ Amendments to OCR 1993 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>♦ Council considered committee recommendations for rules provisions Mar 08</li> <li>♦ Council agreed in principle to the amendment of the Summary Cause and Small Claims Rules 2002 to facilitate the operation of the "virtual court"</li> <li>♦ Draft rules instructed 10/9/08</li> <li>♦ An initial draft instrument will be available for consideration by the Council at its meeting in February 2009</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 personal injury actions in the sheriff court</li> <li>♦ To consider draft rules for ADR in the sheriff court</li> <li>♦ To consider draft rules following from Consumer Credit Act 2006</li> <li>♦ To consider various matters as may be remitted by Council</li> </ul>	<ul style="list-style-type: none"> <li>♦ Draft rules for ordinary cause personal injury actions recommended to Council</li> <li>♦ Rules will come into force on 02 November 2009. A Practice Note is being prepared</li> <li>♦ Draft rules for ADR recommended by Council. Awaiting reporting of Civil Courts Review</li> <li>♦ Under scrutiny by council</li> <li>♦ Draft rules for summary cause personal injury actions now instructed</li> </ul>
<p><b>Lord President's Advisory Group on Diligence</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>♦ Secretariat working closely with Lord President's Advisory Group on recommendations for diligence reform.</li> <li>♦ First scheduled diligence provisions commenced 1 April 2008</li> <li>♦ Work progressing on 2<sup>nd</sup> scheduled diligence provisions <ul style="list-style-type: none"> <li>- Removings – consultation in progress</li> <li>- Land Attachment – under consideration</li> <li>- Admiralty – under consideration</li> </ul> </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</li> </ul>	<ul style="list-style-type: none"> <li>♦ A timetable of work was agreed and is available to members on request</li> <li>♦ Working Group met on 12 February 2008 and agreed an outline for first drafting instructions for new rules</li> <li>♦ New rules instructed by working group</li> </ul>

<b>Objectives</b>	<b>Progress to Date</b>
Act	<ul style="list-style-type: none"><li data-bbox="831 327 1437 454">♦ Working group met further on 8 October, 9 December 2008 and 6 January 2009 when further instructions on rules issued</li><li data-bbox="831 488 1437 584">♦ The Council to consider initial draft instrument at its meeting in February 2009</li><li data-bbox="831 618 1437 680">♦ Rules will come into force on 28 September 2009</li></ul>