

## SHERIFF COURT RULES COUNCIL & COMMITTEES BUSINESS PLAN 2008 – 2009

### 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 and the Lord President's Advisory Group both 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	♦ See working group
Bankruptcy and Diligence (S) Act 2007	♦ See working group
Civil Justice Reform	<ul style="list-style-type: none"> <li>♦ Civil Justice Review announced by Scottish Executive February 2007</li> <li>♦ Secretariat providing input as requested on behalf of SCRC</li> <li>♦ Awaiting outcome of deliberations of review group and Lord Gill's report thereon.</li> </ul>
Miscellaneous Act of Sederunt 2008	♦ to incorporate various issues as may arise

Objectives	Progress to Date
<p>Amendments to Adults with Incapacity Act</p> <p>Adult Support and Protection (Scotland) Act 2007</p>	<ul style="list-style-type: none"> <li>♦ Rules amendments commenced April 2008</li> <li>♦ Rules amendments in progress</li> </ul>
<p>UK Borders Act 2007</p>	<ul style="list-style-type: none"> <li>♦ Rules amendments in progress</li> </ul>
<p>Consumer Credit Act 2006</p>	<ul style="list-style-type: none"> <li>♦ Under scrutiny by Council</li> </ul>
<p>Equality Act 2006</p>	<ul style="list-style-type: none"> <li>♦ Rules amendments commence 1 July 2008</li> </ul>
<p>Scottish Commission for Human Rights</p>	<ul style="list-style-type: none"> <li>♦ Rules amendments commence 1 July 2008</li> </ul>
<p>European Order for Payment and European small claims proposals</p>	<ul style="list-style-type: none"> <li>♦ Council to consider proposals for secondary legislation in July 2008</li> </ul>
<p>EU Regulations on Insolvency</p>	<ul style="list-style-type: none"> <li>♦ Rules amendments commence 1 July 2008</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> </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 personal injury actions recommended to council – further consideration required by Council</li> <li>♦ Draft rules for ADR recommended by council – awaiting consideration by Lord President</li> <li>♦ The committee have various additional matters under consideration</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>♦ Secretariat and B&amp;DWG working closely with Lord President's Advisory Group on recommendations for diligence reform.</li> <li>♦ Bankruptcy Rules commenced 1 April 2008</li> <li>♦ First scheduled diligence provisions commenced 1 April 2008</li> <li>♦ Work progressing on 2<sup>nd</sup> scheduled diligence provisions</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>♦ A timetable of work was agreed and is available to members on request</li> <li>♦ Latest update - Working Group meeting 12 Feb agreed an outline for first drafting instructions for new rules</li> <li>♦ New rules instructed by working group – to be considered by SCRC in Dec 2008</li> </ul>