

**SHERIFF COURT RULES COUNCIL & COMMITTEES  
BUSINESS PLAN 2006 – 2007**

**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 Mediation Committee established to examine the use of mediation in court procedures and to re-consider the current requirement for the sheriff to 'seek to negotiate settlement' in both small claims and summary cause procedures.
- ♦ To support the Council Diligence Working Group established to consider the need for new and or amended rules of court flowing from the legislative changes proposed in the Bankruptcy and Diligence etc (Scotland) Bill.

Objectives	Progress to March 2007
<p><b><u>Full Council</u></b></p> <p>To instruct the necessary subordinate legislation for the legislation under consideration</p>	
<p>The Family Law Act</p>	<ul style="list-style-type: none"> <li>♦ Act of Sederunt made April 2006</li> <li>♦ Amendments included in the draft miscellaneous Act of Sederunt (4)</li> </ul>
<p>Adoption &amp; Childrens (Scotland) Act 2006</p>	<ul style="list-style-type: none"> <li>♦ Secretariat considering need for rules</li> </ul>
<p>Adoption Act 2002</p>	<ul style="list-style-type: none"> <li>♦ Act of Sederunt made July 2006.</li> </ul>
<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>♦ Awaiting policy decisions on way forward</li> <li>♦ Civil Justice Review announced by Scottish Executive February 2007</li> </ul>
<p>Abolition of Feudal Tenure (Scotland) Act 2000</p>	<ul style="list-style-type: none"> <li>♦ Act of Sederunt made June 2006</li> </ul>

Objectives	Progress to March 2007
Bankruptcy and Diligence (S) Bill	<ul style="list-style-type: none"> <li>♦ Secretariat and Diligence Working Group currently considering implications for rules</li> </ul>
Equality Act 2006	<ul style="list-style-type: none"> <li>♦ Act of Sederunt made November 2006</li> </ul>
Miscellaneous Act of Sederunt 2006 (2)	<ul style="list-style-type: none"> <li>♦ Act of Sederunt made July 2006</li> </ul>
Miscellaneous Act of Sederunt 2006 (3)	<ul style="list-style-type: none"> <li>♦ Act of Sederunt made August 2006</li> </ul>
Miscellaneous Act of Sederunt 2006 (4)	<ul style="list-style-type: none"> <li>♦ Act of Sederunt made March 2007</li> </ul>
Taking evidence by video link	<ul style="list-style-type: none"> <li>♦ Incorporated into Miscellaneous Act of Sederunt 2006 (4)</li> </ul>
Amendments to Adults with Incapacity Act Adult Support and Protection (Scotland) Bill	<ul style="list-style-type: none"> <li>♦ Secretariat currently considering implications for rules.</li> </ul>
Vulnerable Witness Act (Scotland) Act 2004 Phase 4	<ul style="list-style-type: none"> <li>♦ Instructions to draftsman December 2006</li> </ul>
Consumer Credit Act 2006	<ul style="list-style-type: none"> <li>♦ Secretariat currently considering implications for rules</li> <li>♦ Remitted to Ordinary Cause committee for detailed consideration</li> </ul>
Police, Public Order and Criminal Justice (Scotland) Act	<ul style="list-style-type: none"> <li>♦ Included in Miscellaneous Act of Sederunt (3) made August 2006</li> </ul>
Animal Health and Welfare (Scotland) Act 2006	<ul style="list-style-type: none"> <li>♦ Included in Miscellaneous Act of Sederunt (3) made August 2006</li> </ul>
Animal Welfare Act 2006	<ul style="list-style-type: none"> <li>♦ Act of Sederunt made March 2007</li> </ul>
Proceedings for Determination of Devolution Issues Rules	<ul style="list-style-type: none"> <li>♦ Instructions to draftsman December 2006</li> </ul>
EU regulation on parental responsibility (inter-country child custody disputes)	<ul style="list-style-type: none"> <li>♦ Act of Sederunt made July 2006</li> </ul>

<b>Objectives</b>	<b>Progress to March 2007</b>
European Order for Payment and European small claims proposals	<ul style="list-style-type: none"> <li>♦ Secretariat to attend regulation working groups and update SCRC.</li> <li>♦ Secretariat currently considering implications for rules.</li> </ul>
UNCITRAL Model Law on Cross Border Insolvency	<ul style="list-style-type: none"> <li>♦ Act of Sederunt made April 2006</li> </ul>
European Directive on Enforcement of Intellectual Property Rights	<ul style="list-style-type: none"> <li>♦ Draft Act awaited to be considered in detail by Sheriffs Peebles and Holligan</li> </ul>
Articles 81 and 82 of the Treaty Establishing the European Community	<ul style="list-style-type: none"> <li>♦ Act of Sederunt made May 2006</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> </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>♦ Instructions to draftsman re electronic submission of documents and electronics signatures December 2006</li> <li>♦ Next meeting arranged for 14 March 2007</li> </ul>
<p><b>Ordinary Cause Committee</b></p> <ul style="list-style-type: none"> <li>♦ Pending consideration by the Scottish Executive of the SCRC's recommendations for a full civil justice review, to: <ul style="list-style-type: none"> <li>~ To consult with stakeholders on proposals for new personal injury rules by end of July 2006</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>♦ Consultation paper issued 19 July with a consultation period ending 18 October 2006</li> <li>♦ Meeting to consider responses arranged for 6 February 2007</li> <li>♦ Remitted for further consideration until April 2007</li> </ul>

Objectives	Progress to March 2007
<p><b>Mediation Committee</b></p> <ul style="list-style-type: none"> <li>♦ To consult with stakeholders on the proposals for new rules encouraging the use of ADR by the end of June 2006</li> </ul>	<ul style="list-style-type: none"> <li>♦ Consultation paper issued 21 June with a consultation period ending 27 September 2006</li> <li>♦ Meeting to consider responses arranged for 6 February 2007</li> <li>♦ Remitted to Ordinary Cause Committee for detailed consideration of draft rules</li> <li>♦ Mediation committee dissolved March 2007</li> </ul>
<p><b>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 and Diligence etc (Scotland) Bill.</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 currently considering the implications for new or amendments to rules.</li> <li>♦ Group Meetings 24 January 2007 28 February 2007</li> </ul>