

**SHERIFF COURT RULES COUNCIL & COMMITTEES
BUSINESS PLAN 2005 – 2006**

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
- ♦ To support the Council Family Law Working Group established to consider the need for new and or amended rules of court flowing from the legislative changes proposed in the Family Law (Scotland) Act

Objectives	Progress to Year End
<p>Full Council</p> <p>To instruct the necessary subordinate legislation for the legislation under consideration</p>	
<p>Mental Health (Care & Treatment) (S) Act 2003</p>	<ul style="list-style-type: none"> ♦ S.I made October 2005.
<p>The Family Law Act</p>	<ul style="list-style-type: none"> ♦ Bill passed December 2005... ♦ Draft rules being revised by Secretariat with support of working group
<p>Civil Partnership Act 2004</p>	<ul style="list-style-type: none"> ♦ S.I made December 2005.
<p>Adoption Policy Review</p>	<ul style="list-style-type: none"> ♦ Bill expected.
<p>Adoption Act 2002</p>	<ul style="list-style-type: none"> ♦ Draft child care and maintenance rules being revised.

Objectives	Progress to Year End
Civil Justice Reform Nuffield Foundation Research - Advisory Group chaired by Lord Coultsfield	<ul style="list-style-type: none"> ♦ Bill needed, if implemented. ♦ Research Report considered by Council December 2005. ♦ Awaiting policy decisions on way forward.
Review of Domestic Abuse (DA) Legislation	<ul style="list-style-type: none"> ♦ Proposal to combine civil & criminal cases involving domestic abuse. ♦ Research report awaited.
Abolition of Feudal Tenure (Scotland) Act 2000	<ul style="list-style-type: none"> ♦ Draft Chancery Rules being revised.
Bankruptcy and Diligence (S) Bill	<ul style="list-style-type: none"> ♦ Bill introduced 21 November 2005. ♦ Secretariat and Diligence Working Group currently considering implications for rules.
Licensing (S) Act	<ul style="list-style-type: none"> ♦ Bill passed 16 November 2005. ♦ Expected implementation autumn 2009.
European Enforcement Order	<ul style="list-style-type: none"> ♦ S.I made October 2005.
EU regulation on parental responsibility (inter- country child custody disputes)	<ul style="list-style-type: none"> ♦ Draft Rules being revised.
European Order for Payment and European small claims proposals	<ul style="list-style-type: none"> ♦ Secretariat to attend regulation working groups and update SCRC. ♦ Meetings attended throughout course of year.
UNCITRAL Model Law on Cross Border Insolvency	<ul style="list-style-type: none"> ♦ Draft rules being considered by the Council.
European Directive on Enforcement of Intellectual Property Rights	<ul style="list-style-type: none"> ♦ Draft rules being considered by the Council.
Articles 81 and 82 of the Treaty Establishing the European Community	<ul style="list-style-type: none"> ♦ Draft Competition Modernisation rules being considered by the Council.

Objectives	Progress to Year End
Vulnerable Witness Act (Scotland) Act 2004	<ul style="list-style-type: none"> ♦ SI made February 2006.
Sheriff Court Caveat Rules	<ul style="list-style-type: none"> ♦ SI made February 2006.
Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005	<ul style="list-style-type: none"> ♦ SI made September 2005.
Gender Recognition Act 2004	<ul style="list-style-type: none"> ♦ SI made April 2005
Consumer Credit Bill	<ul style="list-style-type: none"> ♦ Secretariat currently considering implications for rules.
The School Education (Ministerial Powers and Independent School)(Scotland) Act 2004	<ul style="list-style-type: none"> ♦ Implications considered and concluded no rules required.
Police, Public Order and Criminal Justice (Scotland) Bill	<ul style="list-style-type: none"> ♦ Secretariat currently considering the implications for new or amendments to rules.
<p>IT Committee</p> <ul style="list-style-type: none"> ♦ To agree a revised project timetable with SCS before 30 September 2005 ♦ To report this Committee's findings and recommendations to the Sheriff Court Rules Council by latter part of 2005 	<ul style="list-style-type: none"> ♦ Interim report of consultation responses considered by SCRC in February 2005. ♦ September meeting postponed. ♦ 27 January 2006 meeting noted delay in this objective and progress made. ♦ Next meeting 31 March 2006
<p>Ordinary Cause Committee</p> <ul style="list-style-type: none"> ♦ To consider the commercial court research and make recommendations to the Council by June 2005 ♦ Pending consideration by the Scottish Executive of the SCRC's recommendations for a full civil justice review, to make additional recommendations to the Council on further reform of ordinary cause rules by January 2006 ♦ To consult with stakeholders on proposals for new personal injury rules to timescales set by Committee 	<ul style="list-style-type: none"> ♦ Committee met 22 April 2005. Report of interim proposals to SCRC on 3 June 2005. ♦ November 2005 – Report considered, draft rules prepared, consultation paper to be issued in 2006. ♦ Chairman of Council wrote to Minister re civil justice reform in December 2005. ♦ Secretariat in process of drafting consultation document.

Objectives	Progress to Year End
<p>Mediation Committee</p> <ul style="list-style-type: none"> ♦ To obtain information on the legal systems of other countries which may assist the Committee; to consider and evaluate the evidence and to consider options ♦ To report to the SCRC with recommendations by latter part of 2005 	<ul style="list-style-type: none"> ♦ Committee presented its Report to the Council on 2 December 2005. ♦ The Council decide to continue its consideration of the recommendations contained in the Report until after a wide consultation process on the recommendations contained in the Report had been conducted among court users. ♦ Committee met in February 2006 to consider a draft consultation paper prepared by the secretariat. ♦ Committee will place draft consultation paper before the Council in March 2006.
<p>Diligence Working Group</p> <ul style="list-style-type: none"> ♦ 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. ♦ Report back to the Council with proposed amendments to existing rules of court and where needed new rules of court. 	<ul style="list-style-type: none"> ♦ Secretariat currently considering the implications for new or amendments to rules.