

**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 September 2006
<p><u>Full Council</u></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"> ♦ Act of Sederunt made April 2006 ♦ Further instructions to draftsman September 2006
<p>Adoption Policy Review</p>	<ul style="list-style-type: none"> ♦ Bill introduced ♦ Secretariat considering need for rules
<p>Adoption Act 2002</p>	<ul style="list-style-type: none"> ♦ Act of Sederunt made July 2006.
<p>Civil Justice Reform</p> <p>Nuffield Foundation Research - Advisory Group chaired by Lord Coulsfield</p>	<ul style="list-style-type: none"> ♦ Bill needed, if implemented. ♦ Report considered by Council December 2005. ♦ Awaiting policy decisions on way forward.
<p>Abolition of Feudal Tenure (Scotland) Act 2000</p>	<ul style="list-style-type: none"> ♦ Act of Sederunt made June 2006

Objectives	Progress to September 2006
Bankruptcy and Diligence (S) Bill	<ul style="list-style-type: none"> ♦ Secretariat and Diligence Working Group currently considering implications for rules.
Equality Act 2006	<ul style="list-style-type: none"> ♦ Paper considered at Council June and September 2006 ♦ Instructions to draftsman June and September 2006
Miscellaneous Act of Sederunt 2006 (2)	<ul style="list-style-type: none"> ♦ Act of Sederunt made July 2006
Miscellaneous Act of Sederunt 2006 (4)	<ul style="list-style-type: none"> ♦ Instructions to draftsman September 2006
Taking evidence by video link	<ul style="list-style-type: none"> ♦ Draft rule being revised
Amendments to Adults with Incapacity Act Adult Support and Protection (Scotland) Bill	<ul style="list-style-type: none"> ♦ Secretariat currently considering implications for rules.
Vulnerable Witness Act (Scotland) Act 2004 Phase 3	<ul style="list-style-type: none"> ♦ Awaiting policy paper
Consumer Credit Bill	<ul style="list-style-type: none"> ♦ Secretariat currently considering implications for rules.
Police, Public Order and Criminal Justice (Scotland) Act	<ul style="list-style-type: none"> ♦ Included in Miscellaneous Act of Sederunt (3) made August 2006
Animal Health and Welfare (Scotland) Act 2006	<ul style="list-style-type: none"> ♦ Included in Miscellaneous Act of Sederunt (3) made August 2006
EU regulation on parental responsibility (inter-country child custody disputes)	<ul style="list-style-type: none"> ♦ Act of Sederunt made July 2006
European Order for Payment and European small claims proposals	<ul style="list-style-type: none"> ♦ Secretariat to attend regulation working groups and update SCRC. ♦ Secretariat currently considering implications for rules.
UNCITRAL Model Law on Cross Border Insolvency	<ul style="list-style-type: none"> ♦ Act of Sederunt made April 2006

Objectives	Progress to September 2006
European Directive on Enforcement of Intellectual Property Rights	<ul style="list-style-type: none"> ♦ Draft Act awaited to be considered in detail by Sheriffs Peebles and Holligan
Articles 81 and 82 of the Treaty Establishing the European Community	<ul style="list-style-type: none"> ♦ Act of Sederunt made May 2006
EU Regulations on Insolvency	<ul style="list-style-type: none"> ♦ Report from Academics received September 2006. ♦ Secretariat currently considering implications for rules. ♦ Council will consider findings and draft rules at December meeting
<p>IT Committee</p> <ul style="list-style-type: none"> ♦ 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 ♦ To pursue a revised project timetable with SCS ♦ To report this Committee's findings and recommendations and progress made to the Sheriff Court Rules Council quarterly 	<ul style="list-style-type: none"> ♦ First Joint meeting of Committee and Court of Session IT Committee held 31 March. ♦ Committee wrote to Chief Executive SCS in (April/May) re revised project timetable. SCS is currently considering the issues and a response is awaited. ♦ Next meeting arranged for 6 December 2006
<p>Ordinary Cause Committee</p> <ul style="list-style-type: none"> ♦ Pending consideration by the Scottish Executive of the SCRC's recommendations for a full civil justice review, to: <ul style="list-style-type: none"> ~ To consult with stakeholders on proposals for new personal injury rules by end of July 2006 ~ To report the outcome of the consultation to the Council by the end of December 	<ul style="list-style-type: none"> ♦ At meeting on 2 June Council instructed release of the consultation paper but that priority should be given to the release of the mediation paper. ♦ Consultation paper issued 19 July with a consultation period ending 18 October 2006
<p>Mediation Committee</p> <ul style="list-style-type: none"> ♦ To consult with stakeholders on the proposals for new rules encouraging the use of ADR by the end of June 2006 ♦ To report outcome of the consultation to the Council by the end of December 	<ul style="list-style-type: none"> ♦ At meeting on 2 June Council instructed release of the consultation paper ♦ Consultation paper issued 21 June with a consultation period ending 27 September 2006

Objectives	Progress to September 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.