

**SHERIFF COURT RULES COUNCIL & COMMITTEES  
BUSINESS PLAN 2007 – 2008**

**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 Diligence Working 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 Act 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>	
<p>Adoption &amp; Children (Scotland) Act 2007</p>	<ul style="list-style-type: none"> <li>♦ See working group</li> </ul>
<p>Bankruptcy and Diligence (S) Act 2007</p>	<ul style="list-style-type: none"> <li>♦ See working group</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>♦ Civil Justice Review announced by Scottish Executive February 2007</li> <li>♦ Awaiting outcome of deliberations of review group and Lord Gill's report thereon.</li> </ul>
<p>Miscellaneous Act of Sederunt 2007</p>	<ul style="list-style-type: none"> <li>♦ to incorporate various issues as may arise</li> </ul> <p>Road Safety Act 2006 Family Law (late appearance by defenders)</p>

Objectives	Progress to Date
<p>Amendments to Adults with Incapacity Act</p> <p>Adult Support and Protection (Scotland) Bill</p>	<ul style="list-style-type: none"> <li>♦ Council currently considering implications for rules.</li> <li>♦ Currently progressing through parliamentary stage 3</li> </ul>
<p>Vulnerable Witness Act (Scotland) Act 2004 Phase 4</p>	<ul style="list-style-type: none"> <li>♦ Implementation in progress –</li> <li>♦ Instructions to draftsman December 2006</li> <li>♦ Council considered draft rules June 2007</li> <li>♦ Revised draft instructed July 2007</li> <li>♦</li> </ul>
<p>Consumer Credit Act 2006</p>	<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>
<p>Animal Welfare Act 2006</p>	<ul style="list-style-type: none"> <li>♦ S.I. prepared, Awaiting commencement</li> <li>♦ Commenced 26 March 2007</li> </ul>
<p>Proceedings for Determination of Devolution Issues Rules</p>	<ul style="list-style-type: none"> <li>♦ Instructions with draftsman December 2006</li> <li>♦ Act of Sederunt (Proceedings for Determination of Devolution Issues Rules) Amendment 2007 made 25 July 2007 commences 15 August 2007</li> </ul>
<p>European Order for Payment and European small claims proposals</p>	<ul style="list-style-type: none"> <li>♦ Secretariat currently considering implications for rules.</li> </ul>
<p>European Directive on Enforcement of Intellectual Property Rights</p>	<ul style="list-style-type: none"> <li>♦ Draft Act awaited to be considered in detail by Sheriffs Peebles and Holligan</li> </ul>
<p>EU Regulations on Insolvency</p>	<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> <li>♦ Further advice from draftsman sought-continued consideration at June meeting</li> <li>♦ Further scrutiny required</li> </ul>

Objectives	Progress to Date
<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>♦ Meeting 14 March 2007</li> <li>♦ Await report on SCS Business case</li> <li>♦ Meeting 6 June 2007 – postponed</li> <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>♦ Next meeting to be arranged</li> </ul>
<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 –remitted to full council meeting June 07</li> </ul>	<ul style="list-style-type: none"> <li>♦ Meeting 13 April 2007</li> <li>♦ Draft rules for personal injury actions recommended to council</li> <li>♦ Draft rules for ADR recommended to council</li> <li>♦ Next meeting to be arranged</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 currently considering the implications for new or amendments to rules.</li> <li>♦ Group Meetings 24 January 2007 28 February 2007 Secretariat met with policy holders and legal advisors on behalf of the working group 20 June 2007</li> <li>♦ Lord President's Diligence Advisory Group meeting 14 May 2007 Meeting 3 July 2007.</li> </ul>

Objectives	Progress to Date
	<ul style="list-style-type: none"> <li>♦ Drafting Instructions issued March 2007- Commencement order No. 1 - draft rules to be considered further by SCRC members prior to clearance by chairman</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>♦ The remit of the working group was agreed at the first meeting on 11 July 2007:</li> <li>♦ Implementation of the Act as a whole is anticipated for end 2008.</li> <li>♦ Chapter 2 Child Care and Maintenance Rules 1997 to be repealed and new rules will be prepared for introduction of the Act.</li> <li>♦ A timetable of work was agreed and is available to members on request</li> </ul>

- ♦ Act of Sederunt (Ordinary Cause, Summary Application, Summary Cause and Small Claim Rules) Amendment (Equality Act (Sexual Orientation) Regulations 2007) 2007 made 22 June 2007 commenced 20 July 2007
  
- ♦ Act of Sederunt (Sheriff Court Enforcement Order Rules) Amendment (Extension to Denmark) 2007 made 29 June 2007 commenced 1 July 2007