

CORPORATE RESOURCES
EXECUTIVE DIRECTOR **ROBERT MCILWAIN**

Legal Services
HEAD OF LEGAL SERVICES **SANDRA DICKSON**

Our Ref: JW/CDC-03051-2/ME
Your Ref:
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Date: 12 September 2006

Ms. Ann Oxley,
Assistant Secretary to the Sheriff Court Rules Council,
St. Andrew's House,
Regent Road,
EDINBURGH.
EH1 3DG.

Dear Ms. Oxley,

The Sheriff Court and Alternative Dispute Resolution

I refer to your letter dated 21 June 2006 to which I have been asked to co-ordinate a response on behalf of South Lanarkshire Council. I also enclose herewith the Respondent Information Form.

Q1a. Yes

Q1b. It is felt that the more avenues that are available to settle disputes the better and the incorporation of ADR into the process would be welcomed.

Q2a. Yes, the use of ADR should be an option available to parties. If it became mandatory then the next logical step would be that parties would be unable to resort to litigation without having explored and exhausted the ADR or other mediation option as a preliminary step.

Q3a. Yes.

Q3b. If the Court thinks that it is appropriate or would be useful then it should have this power available.

Q4a. Yes.

Q4b. As the introduction of such a set of rules would in effect result in a new, almost parallel system being set up then it would be appropriate and useful to have some kind of framework where parties require to give reasons at the appropriate parts of the procedure.

Q5. No comments.

Q6a. Yes.

Q6b. The Council would agree with the Committee's recommendation that this should be an option but only to be used where a party has demonstrably acted in an unreasonable manner.

Q7a. It would be appropriate to incorporate a reference to ADR into each set of the Court Rules.

Q8a. No.

Q8b. It is felt that it would still be appropriate to maintain a separate rule relating to mediation in family action notwithstanding the introduction of the proposed system relating to other types of Court proceedings.

Q9a. This seems to be a sensible proposal.

Q9b. This reference provision should be incorporated into all of the Court Rules.

Q10. Recommendation 3 as made by the Committee would again appear to be a sensible suggestion which the Council would support.

Q11a. The Council would agree that this should be incorporated into the small claims and summary cause rules.

Q12. The Council has no comments as the draft Rule 9A would appear to be appropriate and to cover the relevant considerations.

I would be happy to further clarify or discuss any of the Council's responses as set out above.

Yours sincerely

**Jim Watters,
Legal Services Manager**

Enc.

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