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Recommendation 1

Electronic transmission, lodging and storage of documents

- 1.1 We agree that this proposal is a step in the right direction.
- 1.2 Advantages include:
- Improved quality and speed of customer service;
 - Easier access for up-to-date information and access to historical records;
 - Accurate record for checking if papers lodged timeously etc.;
 - Savings in staff resources devoted to processing, accommodation resources devoted to storage, and postage costs;
 - Increased gateway for parties to lodge documents.
- 1.3 Disadvantages include:
- Disruption to the court in the event of IT failure;
 - Difficulties arising in the event of errors in using IT equipment;
 - Varying levels of IT literacy of those using the system.
- 1.4 Benefits and disadvantages as at 1.2 and 1.3 above.
- 1.5 Other comments:
- There is considerable work yet to be done before the Scottish Court Service (SCS) can offer the IT system which the proposals will require;
 - Such work would be conditional upon the necessary funding being made available;
 - We would support proposals which allowed documentary productions to be dealt with electronically;

Recommendation 2

Electronic transmission of interlocutors

- 2.1 We agree that this proposal is a step in the right direction.
- 2.2 Advantages include:
- Improved quality and speed of customer service;
 - Easier access for up-to-date information and access to historical records;
 - Savings in staff resources devoted to processing, accommodation resources devoted to storage, and postage costs;
 - Quicker identification of any errors in interlocutors.
- 2.3 Disadvantages include:
- Disruption to the court in the event of IT failure;
 - Varying levels of IT literacy of those using the system.
 - Concern that as not all solicitors are currently on-line an additional system may have to be operated by court staff which could prove to be more time consuming and have cost implications;

- Concern that this provision may erode acceptance of responsibility of litigants to know status of court actions.

- 2.4 Benefits and disadvantages as at 2.2 and 2.3 above.
- 2.5 Consideration will require to be given to how such documentation can be made sufficient for enforcement purposes.

It is suggested that this might be an appropriate opportunity to revisit the issue of which interlocutors require to be approved by a Sheriff.

Recommendation 3 **Website based system**

- 3.1 We agree with the option of using a website.
- 3.2-3 We have nothing to add to the list provided in the consultation paper.
- 3.4 It is hoped that the system/interface will be intuitive enough to allow all users to operate without too much assistance being required from SCS staff, and that it will have built in checks to prompt users to correct or complete data

Recommendations 4 and 5 **Short pilot, roll-out and Parallel working**

- 4.1-5.6 We consider that these proposals should be examined in greater depth and suggest that they should be the subject of a scoping study. We would be reluctant to comment in the absence of such a study.

Recommendation 6 **Electronic signature**

- 6.1 We agree with this proposal.
- 6.2 We see this as critical in maximising the benefits arising from earlier recommendations including:
- Improved quality and speed of customer service;
 - Savings in staff resources devoted to processing, and accommodation resources devoted to storage.
- 6.3 Disadvantages include:
- Disruption to the court in the event of IT failure;
 - Difficulties arising in the event of errors in using IT equipment;
 - Varying levels of IT literacy of those using the system.
- 6.4 None.

- 6.5 Regrettably insufficient time was available to consider this aspect of the proposals.

Recommendation 7

Other facilities

- 7.1 We would propose that:
- the general public should be able to access any information which is currently considered to be a public record; and
 - parties should be able to view on-line, anything that can currently be viewed in their own process.
- 7.2 We agree that access to individual cases should be restricted to parties/agents by some form of access code/password. The ability to change password would overcome the difficulty identified in the consultation paper.
- 7.3 The provision of on-line access will improve the service provided by the SCS, and will reduce the demands currently placed upon SCS staff resources by such enquiries. There will, of course, be the need to consider data protection issues, as well as the issue of access for partially sighted parties.

Recommendation 8

Central processing of summary cause and small claims

- 8.1 We agree that this proposal is a step in the right direction.
- 8.2 Advantages include:
- Improved quality and speed of customer service;
 - Savings in staff resources devoted to processing as a result of economies of scale.
- 8.3 Disadvantages include:
- Possible loss of a local service to respond to assist party litigants and respond to customer enquiries.
- 8.4 Benefits and disadvantages as at 8.2 and 8.3 above.
- 8.5 Consideration should be given to:
- providing the option for party litigants to submit applications to their local court, for onward transmission to the central site;
 - how supplementary applications should be dealt with, such as minutes for recall of decree.

Recommendation 9

Sheriff clerk's service of summary cause and small claims

- 9.1 We agree that this proposal is a step in the right direction, particularly if linked to the central processing proposal. There would be resource implications if this change were to be introduced under existing system
- 9.2 Advantages include:
- Provision of a “one stop shop” leading to quicker service and possibly leading to shorter end to end process times;
 - Removal of confusion for parties.
- 9.3 Disadvantages include:
- If current service methods are retained, delays could be created in those cases where service by recorded delivery post fails, as the SCS requires the sheriff officer’s reservice fee to be paid before instructing that reservice
- 9.4 Benefits and disadvantages as at 9.2 and 9.3 above.
- 9.5 We would suggest that consideration be given to amending the provisions for methods of service to provide that any service carried out by the SCS is by first class post only, as is done in other jurisdictions.

Recommendation 10

Sheriff clerk’s service of summary cause and small claims

We agree with this proposal