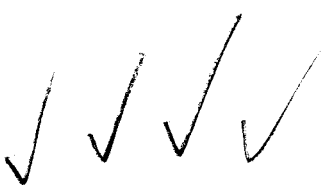


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50/04



# East Lothian Council

**Our Ref:** KMacN/HMF  
**Your Ref:**  
**Date:** 2 November 2004

John Lindsay  
CHIEF EXECUTIVE

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Glynis McKeand  
Secretary to the Sheriff Court Rules Council  
St. Andrew's House  
Regent Road  
EDINBURGH  
EH1 3DG

Dear Madam

## SHERIFF COURT RULES COUNCIL CONSULTATION PAPER

I refer to your letter of 15<sup>th</sup> September and attach the response of East Lothian Council to the Consultation Paper enclosed.

Yours faithfully

Kirstie MacNeill  
Corporate Legal Adviser

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**RESPONSE OF EAST LoTHIAN COUNCIL**  
**to**  
**THE CONSULTATION PAPER**  
**issued by**  
**THE SHERIFF COURT RULES COUNCIL**  
**on**  
**15<sup>th</sup> SEPTEMBER 2004**

- 1.1 East Lothian Council considers the proposal for the Electronic Transmission lodging and storage of Court Documents to be a step in the right direction.
- 1.2 The advantage to the Council would be a reduction in paperwork, time saved and a reduction in costs.
- 1.3 If a party litigant did not have access to a computer, they would be at a disadvantage.
- 1.4 This would increase efficiency.
- 1.5 No comment
- 
- 2.1 East Lothian Council considers the proposal to have interlocutors pronounced by the Court transmitted electronically to agents to be a step in the right direction.
- 2.2 These would be received immediately and there would be no opportunity for things to be lost in the post. If the individual dealing with a particular case were on holiday or away from the office, the interlocuter would not therefore come to the attention of any colleagues who might have been asked to cover the case temporarily.
- 2.4 This would increase efficiency.
- 2.5 No comment.
- 
- 3.1 It is important that positive confirmation of receipt is issued.
- 3.2 No.
- 3.3 No.
- 3.4 No.

- 4.1 East Lothian Council agrees that the system should be introduced across the whole of Scotland.
- 4.2 No.
- 4.3 No.
- 4.4 No.
- 5.1 East Lothian Council agrees that it would be sensible for a parallel systems to be operated initially.
- 5.2 This would allow for smooth transition and give time for people to adjust.
- 5.3 No.
- 5.4 One year.
- 5.5 If systems have failed and electronic data has been lost.
- 5.6 No.
- 6.1 East Lothian Council agrees that there should be a statutory provision removing the need for a manual signature,.
- 6.2 The retention of the need for a manual signature simply renders an electronic system unworkable.
- 6.3 No comment
- 6.4 No comment.
- 6.5 No comment.
- 7.1 All information relating to the case should be able to be viewed by the parties.
- 7.2 Steps would have to be taken to ensure that only parties were able to access Court process. East Lothian Council in particular, deals with a great deal of sensitive applications such as adoptions and mental health applications and a high degree of security would be required to avoid other individuals accessing such processes.
- 7.3 No.

- 8.1 East Lothian Council agrees that there should be a centralised virtual Court where undefended cases would be dealt with electronically and it considers this to be a step in the right direction. This would save a great deal of time particularly for East Lothian Council in relation to Heritage Actions which at the moment, although undefended, still require to be called in Court.
- 8.3 No comment.
- 8.4 This would be very much to the advantage of the litigant and avoid the requirement to attend Court in person to “minute the book” etc.
- 8.5 No.
- 9.1 East Lothian Council agrees that the proposal that the Sheriff Clerk serve all summary cause and small claims is a step in the right direction.
- 9.2 The advantage to East Lothian Council would be an enormous reduction in administrative effort.
- 9.3 A potential disadvantage would be the lack of local knowledge which a centralised Sheriff Clerk system would have. Would the Sheriff Clerk instruct Sheriff Officers if postal service failed? If so, who would authorise payment of the Sheriff Officer’s fee.
- 9.4 It should improve efficiency.
- 9.5 No.
- 10.1 East Lothian Council suggests that the requirement to have a Hearing in Heritage Eviction summary causes should be abolished.