



4 MORAY COUNCIL

-----Original Message-----

From: Evelyn Smith [mailto:evelyn\_smith@moray.gov.uk]  
Sent: 15 November 2004 12:04  
To: Mckeand G (Glynis)  
Cc: Rhona Gunn  
Subject: SHERIFF COURT RULES COUNCIL CONSULTATION PAPER

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The only recommendations which the Moray Council have any comments about  
regarding the Sheriff Court Rules Council Consultation Paper are as  
follows:-

Recommendation 7 - In the opinion of the Council it would be useful to have a  
copy of the Open Record displayed, upon which parties could make direct  
alterations, so that if you access the Record at any given point in time, you  
could be sure that the Record was correct as at that time. At present, you  
often find yourself preparing adjustments in the knowledge that you are likely  
to receive adjustments from your opponent in a matter of days, thereby rendering  
some of your own adjustments irrelevant. whilst performing the adjustment  
process online would not completely eradicate this, it would be likely to cut  
down on the level of unnecessary work done simply because of the reduced time  
for transmission of documents. As regards the level of security, a password  
should be assigned for each case, and then to each party involved in that case.  
whilst it might also be of assistance to see copy Productions online, given the  
varying nature and extent of Productions, the Council doubt very much whether  
this would be practical. It would however be of great assistance to be able to  
view all Interlocutors online. It would also be of assistance to have access to  
the court diary for the particular day that a case is set down for Proof,  
Debate, etc so that parties could ascertain the likelihood of the case running.  
There may however be issues surrounding confidentiality regarding this  
information.

Recommendation 8 - In the opinion of the Moray Council it was felt this is a  
step too far at present. Many Solicitors who are entirely familiar with court  
processes would be unable to operate in a virtual court. It is therefore felt  
it would be completely inequitable to expect party litigants to operate in a  
virtual court, even if the value of their claim were to be of a generally low  
level. Operation of a centralised virtual court would discriminate against a  
large section of the population who already struggle to get to grips with the  
processes based on hard copy information booklets,  
etc. Moray Council's opinion is that they do not believe that computer  
literacy levels within the population in general are currently high enough yet  
to render this a realistic proposition. The introduction of this proposal would  
serve the ends of corporate users of the system and others with the ready means  
to access the virtual court. It would severely curtail the ability of most  
party defenders to contest cases and so would place them at a substantial  
tactical disadvantage. If a virtual court is to be piloted, the Moray Council  
suggest that it should first be piloted with the professionals involved in the  
system who will by and large have the software and computer literacy skills  
required.

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