

**Approved Minutes
Court of Session and Sheriff Court Rules Council
IT Committee**

Parliament House, Edinburgh on 6 December 2006

Present

The Hon Lord Macphail (Joint Chair)
Sheriff Peebles QC (Joint Chair)
D Morris
C Armstrong
R Cockburn
R McPherson
M Wood
D Boyle
P Ryan
D Murray
J d'Inverno
S Warren
G McKeand
S McCourt
K Stewart (Secretariat)
D Bruton (Secretariat)

1. Apologies

R MacNiven, J McCormick, P Cackette, A Johnston, Sheriff Fletcher, R Clancy QC

2. Minutes of the previous meeting

The minutes of the meeting of 6 September were approved.

3. Business Update

Committee members noted progress.

It was agreed that an article be forwarded for publication in the Law Society Journal in relation to rules on electronic evidence. The Secretariat to arrange this in consultation with the Lord President's private office. It is hoped that the necessary rules will be made and brought into force shortly.

4. Project Timetable

Lord Macphail outlined progress to date and summarised the outcome of recent discussions between joint chairs of the committee and the Chief Executive of Scottish Court Service (SCS) (a draft minute of this meeting was circulated previously to committee members). SCS will identify an individual to work on a business case, taking into account current ongoing projects and the anticipated civil justice review. SCS requested further information regarding the scope of any rules changes which may be required. It was noted that other European jurisdictions were further ahead in the use of I.T in court litigation.

5. OSSE advice

Mrs McKeand summarised legal advice received to date and sought authority to instruct draft rules which may assist SCS in their deliberations.

The committee agreed that draft rules regarding electronic signature be instructed. An 'all-encompassing' rule was envisaged. It was suggested that it may assist the draftsman to look at models from other jurisdictions and also noted that Registers of Scotland have introduced electronic signatures and that looking into how this was achieved could also be helpful.

The committee were of the opinion that matters should not be held up pending the outcome of any civil justice review, it being agreed that it ought to be possible to draft rules of court in such a way that they would be unlikely to be affected by any changes to procedure which may result.

It was also agreed that should there be any overlap into provision of legal advice, then further assistance should be sought from OSSE.

6. AOB

There were no matters arising

7. Date of next meeting

14 March 2007 at 5.00 pm in Parliament House, Edinburgh