

G McK's papers

**Sheriff Court Rules Council
IT Committee
MINUTES of meeting of 6th MAY 2004**

Present: Sheriff I A F Peebles, QC
Sheriff M J Fletcher
J d'Inverno, Solicitor-Advocate, TD AD WS
J McCormick, Solicitor
Evelyn Laing, AAD, SCS
Mr D Morris, IT Manager, SCS
Donald Bruton, Court of Session
Paul Cackette, SEJD
G McKeand, SE JD and Secretary to the Committee

1. **Apologies:** Apologies were received from Alan Adams and Graeme Halligan

2. **Minutes of the Previous Meeting (6/2/04)** – were approved subject to deletion the words “At present” from where they appear at the beginning of the eighth paragraph of page 2 thereof and substitution therefore the words “for an experimental period”, deletion of the word “send” from where it appears later at the same line and substitution therefore the word “sent”.

3. **Agenda item 3 - High line project plan**

3.1 The format of and quantification of participants in the pilots to be conducted under the project plan were discussed. It was agreed that one or two large firms would be involved in the first and second pilots which related purely to small claims and summary cause actions and that the third pilot which related to ordinary civil cases would involve different firms in each Sheriffdom.

3.2 The committee considered whether or not overall slippage time for the 3 projects should be built into the high line plan. The Scottish Court Service were reasonably confident of delivering the first and second phases of the project by December 2005. There was, however, more doubt about the ability to deliver third phase by September 2006. The Committee were of the view that September 2006 should be substituted by October 2006 but that no further slippage time should be built in meantime.

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3.3 In discussing the need for advertisement, Roadshows were the preferred medium for informing potential users of the capability of the new system. Preference was expressed for the Roadshows to be held around the country with the possibility of Scottish Court Service staff and solicitors who had taken part in the pilot actually conducting these Roadshows.

3.4 Considerations were given to the possible use of incentives so as to encourage use of the new system. The following were considered

- Effectiveness/efficiency/ increased speed of service.
- Additional fees or alternatively a surcharge on handling of hard copy documents.
- Consideration should be given to seeking a reduction in solicitor's fees on a party and party basis and possibly also on a solicitor and client basis.

Further consideration would be required in relation to the issue of incentives but in the meantime the Secretariat was invited to write to the **Secretary to the Court Fees Working Party with a view to ascertaining whether or not the Sheriff Court Fees Order could provide a separate fee for "manual processing" of work at any stage in the process.**

3.5 Subject to a minor alteration of the last date referred to above, the Committee approved the project plans for presentation to the Rules Council .
~~Subject to the tracked changes on the annexed item 1 the consultation document was approved for presentation to the Rules Council.~~

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Graeme
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delete
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4. Agenda item 4 – Consultation document

4.1 The Consultation document was discussed and approved for presentation to the Rules Council subject to the tracked changes as set out on the annexed version 2.

4.2 In agreeing the noted amendments the following particular issues were considered:-

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- Length of dual procedure - 2 years was thought reasonable but it was agreed that we should await the outcome of the consultation responses before firming up on an appropriate period of time. Beyond whatever period ultimately prescribed it was thought that lodging in hard copy should always be permissible to litigants in person without any surcharge or additional fee, but only be permissible to solicitors in exceptional cases eg imminent time bar or technical failure, and, in the absence of such exceptional circumstances, the sheriff clerk could accept a manually produced document but charge an additional fee.
- Mr d'Inverno again raised the matter of Solicitors being able to have access to the CMS system to investigate progress of an action. He sought clarification of what was being considered by the Committee. Mr Morris explained the difficulties with confidentiality etc while, at the same time, recognising the need for parties to be assured their motions etc were being dealt with and giving them the information they need. The web based system should acknowledge automatically all documents lodged. It was thought that there was a possibility that general access could be allowed for any party through use of the "A" number and that such access would not disclose the names of party but in brief would give a rough case history. Again, it was decided to await the outcome of the consultation and that it should be recommended to the Rules Council that this is a further question that should be asked if consultees, also noted that interlocutors are to be automatically sent there may be less need for such access.
- It was suggested that a type of message board be introduced into the CMS in order that Sheriffs could advise parties of progress avizandum.

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In these discussions it was noted that once solicitors are required to record their contact e-mail addresses it would be possible to attach an e-mail system to the case management system that would record the e-mail in the process. This e-mail system could be used by sheriffs or clerks to communicate with both parties.

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Item No.5 on the Agenda- Any other Business

It was suggested that the Secretariat should now commence a search of rules "and primary legislation to ascertain areas where it was thought rules change would be required with particular regard to (a) electronic transmission (b) signatures, noting the terms of the electronic communications act (jurisdiction and (d) service).

The Secretariat was asked to revise the consultation document and bring it back to the next meeting for consideration by the Rules Council.

Date of Next Meeting

The date of the next meeting is 6 November at 10.30 am in the Sheriff Court House, Edinburgh.