APPROVED MINUTES OF MEETING

SCRC IT COMMITTEE ON 28 JANUARY 2005
AT
EDINBURGH SHERIFF COURT

Present: Sheriff I Peebles (Chairman)
Sheriff M J Fletcher
Mr J d'Inverno
Mr J McCormick
Mr Alan Johnston
Mr D Bruton
Mr D Morris
Mr P Cackette,
Mrs G McKeand, Secretary
Miss K Stewart, Assistant Secretary

1.   Apologies: None

The Chairman welcomed Mr Alan Johnston to his first meeting.

2.   Minutes of Previous Meeting

The minutes of meeting of 6 May 2004 were approved.

3.   Consultation Report

The Committee agreed that no further consultation is required as the main stakeholders have responded. The response level though considered low was accepted.

The main areas of concern to respondents agreed as relevant for further consideration were summarised as :

- Failure of the IT System
- Security of and access to the system
- Authentication
- Accessibility for party litigants

The above matters were discussed in detail by the committee. The main outcomes of those discussions were agreement on:

- The need for Sheriff Clerk's to develop contingency plans to utilise in the event of major systems failures
- 'Emergency situations' when systems failures occurred should be able to be cured through rules permitting use of paper system

- Advice will be required on applicable diversity of languages for any electronic system with regard to issues of access to IT systems and language barriers therein for party litigants
- Potential methods for securing access to system and documents in process were discussed at length with various suggested proposals.

Action
Secretariat will obtain legal advice from OSSE for next meeting regarding access to court records and process.

The committee agreed that the intention will be to remit the matter of system security thereafter to Scottish Court Service (SCS) for a feasibility study and further consideration with their own stakeholders.

The Committee discussed the findings of the consultation on the questions regarding 'authenticity of signature' at warranting stage, throughout the process and for enforcement purposes. It was agreed that these matters will be dealt with in the overall remit to SCS on the matter of system security. The Secretariat advised that the rules of court have been scanned to identify all relevant reference to requirement for authentication. Discussion ensued around the possibility of a rule which would prescribe how, where such authentication is required, an electronic form of signature would be accepted instead.

Action
The Secretariat will seek advice from OSSE for next meeting as to the possibility of drafting an 'all encompassing' rule.

The Committee agreed that the recommendation for service of summonses by the Sheriff Clerk should be taken forward. A recommendation will be made that a helpline be established for IT systems and also for procedural advice. It was noted that this will have resource implications.

There was discussion on the need for guidance regarding interest rates in court actions for litigants using the electronic system. It was agreed that the default option should be the judicial interest rate.

4. Papers submitted

No issues arising

5. Future Timetable

Action

- **Chairman will give details of committee progress orally at next SCRC meeting**
- **Secretariat to draft interim report for next meeting SCRC (there is no need for this to be seen by IT Committee prior to submission)**

- **Secretariat to look at potential requirements for rule changes and report thereon at the next meeting**
- **D Morris & Secretariat to update Project Plan Timetable.**

6. Any Other Business

The Electronic lodging of productions which was not subject to consultation, was discussed in detail with benefits identified. It was agreed that the committee will recommend that a discretionary rule for the lodging of same is appropriate.

<u>Action</u>
The Secretariat will write to consultation respondees to seek views on lodging documentary productions electronically.

The Chairman and Mr Morris advised the committee that they had accepted an approach from Court of Session Rules Council to join their IT sub-committee. This was welcomed by the committee who took the view that a joint approach to the issues of electronic service delivery was the preferred option.

7. Date of Next Meeting

13th May 2005 at 10.00 am in Edinburgh Sheriff Court

Karen Stewart

Secretary
IT Committee