

MINUTES OF MEETING

Ordinary Cause Rules Committee

Perth Sheriff Court on 18 November 2005

Present :

Sheriff Principal S Young (Chairman)
Sheriff W Holligan
Steven Brand
Joseph d'Inverno
John McCormick
Alan Johnston
Paul Cackette
Glynis McKeand (SCRC Secretary)
Karen Stewart (Committee Secretary)

Due to a transport delay, Sheriff Holligan assumed interim chair for those agenda items denoted.

1. **No apologies** – *chair Sheriff Holligan*
2. **Previous Minutes** – approved, *chair Sheriff Holligan*
3. **Amendment to Ordinary Cause Rules – Draft Act of Sederunt**

The committee discussed the draft Act of Sederunt and agreed various changes to be made to the draft.

The Secretariat to instruct the drafts person accordingly and to circulate a draft consultation on chapter 43 for comment by committee members.

4. **Civil Justice Advisory Group Report** - *chair Sheriff Holligan*

Committee members agreed that Sheriff Court Rules Council (SCRC) cannot come to a view in the short to medium term of what direction it should focus until Scottish Executive (SE) intentions, timetable and resources are known regarding any review of civil justice. This will ultimately determine the best way forward for this committee. The consensus was that the SCRC do not have the resources to undertake a full scale procedural review at this time.

The committee discussed the terms of the report's main findings and agreed that it was appropriate to continue with current work on drafting an Act of Sederunt in order to make progress at this time.

It was noted that Ministers will be meeting soon to discuss the contents of the report.

The Secretariat to re-draft letter to SE which the chairman and Sheriff Holligan will consider.

5. Commission & Diligence: expenses of havers - chair Sheriff Holligan

The secretariat advised that no changes to existing law were proposed but that it was suggested by letter to the Lord President's Private office that ELPAC should determine fee levels. The relevant forms have been amended by the recent Miscellaneous Act of Sederunt. This item will be continued to the next meeting.

6. Date of next meeting : 28 April at 10.30 am in Perth