

**MINUTES OF MEETING OF THE CRIMINAL COURTS RULES COUNCIL
IN PERSON AND VIA WEBEX WEDNESDAY 15 FEBRUARY 2023**

- Present:** Lord Justice Clerk (Chair)
Lord Beckett
Lord Matthews
Sheriff Alastair Brown
Sheriff Norman McFadyen
Sheriff Gillian Wade KC
Stuart Fair JP
Professor James Chalmers
Shelagh McCall KC
Kate Wallace, Victim Support
Peter Lockhart, Solicitor
Stuart Munro, Solicitor
Willie Cowan, Scottish Government
Kenny Donnelly, COPFS
Ian Dickson, Scottish Legal Aid Board
Gail Smith, SCTS
- In Attendance:** Ross Martin (Deputy Principal Clerk of Justiciary)
Lori Pidgeon (LPPO)- Observer
Laura Bremner (LPPO)- Observer
- Secretariat:** Carolyn Magill, Senior Deputy Legal Secretary to the Lord President
- Apologies:** John Scullion KC
Anna Donald, Scottish Government
Ruth McQuaid, COPFS

Welcome

The Chair welcomed members, noting apologies and those attending as observers. The Chair noted a letter of thanks had been sent to Willie Cowan for his service as a diligent member on the Council.

Item 1: Minutes and matters arising [Paper 1]

1. The minutes of the previous meeting on 23 November 2022 were approved.

Transfer of Cases Between Sheriffdoms

The Chair advised that LPPO will seek the views of Sheriff Principals regarding transfer of cases between Sheriffdoms once all Sheriff Principals are installed

Item 2: Scottish Government update [Paper 2- private]

2. Members considered an update from the Scottish Government highlighting various pieces of legislation which may impact on the work of the Council

Item 3: United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill

3. The Chair highlighted the need to make sure there was adequate time to ensure readiness for the Courts. This is very important because the last Bill provided that it must be commenced within 6 months of getting Royal Assent. As there will not be a lot of time to prepare once the UNCRC Bill gets Royal Assent, it is important to try and frontload where possible. This is particularly important where court rules are concerned, given these can take time to draft and there are some important matters that need careful consideration and should not be rushed. Willie Cowan (Scottish Government) advised that there was no further update about the timetable of the Bill and when this would be brought back to the Scottish Parliament for reconsideration. Discussions with the UK Government about the Bill are ongoing.
4. Given the concerns there are about the time to prepare for this legislation coming into force as it is a big piece of work, the Chair asked Willie Cowan whether the Scottish Government had an implementation plan and if it would consider producing a draft paper outlining what may need to be considered on a contingency basis. The paper should not contain any formal rules requests (that can follow when the Bill is reintroduced to Parliament), however it would note things which required to be done and allow to the Lord President's Private Office to consider what rules may be required and start preparing the groundwork.

Willie Cowan thought this suggestion had merit. He advised he would take the suggestion back to the relevant policy team for consideration and report back.

Item 4: Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Witness Citation) 2023) [Papers 3, 3A, 3B and 3C- private]

It was noted changes had been made to the draft forms. Discussions took place regarding further amendments to be made.

The Chair confirmed with members that they were content, subject to the proposed amendments being incorporated, for the forms to be sent to First Word for their consideration.

Item 5: AOB

5. There was no AOB.

Item 6: Date of next meeting

6. The next meeting is to be arranged in due course for May 2023.