MINUTES OF MEETING OF THE CRIMINAL COURTS RULES COUNCIL

IN PERSON AND VIA WEBEX WEDNESDAY 6 OCTOBER 2026

Present:	Lord Justice Clerk (Chair)
	Lord Matthews
	Lord Mulholland
	Frances McMenamin KC
	Stuart Munro
	Paul Walker JP
	Sheriff Paul Brown
	Richard Goddard KC
	Anna Donald
	Andrew Laing
	Clare Whyte
In attendance:	Gulnar Mehmood (SCTS)
	Laura Buchan (COPFS)
	Katy Kelman (LPPO)
	Judith Alcock (LPPO)
Secretariat:	Elaine McHugh (LPPO)
	Edward McHugh (LPPO)
	Esther Tatton (LPPO)
Apologies:	Kate Wallace
	Sheriff Iain Fleming
	Sheriff Ian Cruickshank
	Wendy Robertson
	Michael Gallen
	Dr Gabrielle Watson

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Item 1: Welcome and apologies.

1. The Chair welcomed members and noted apologies.

2. The Chair welcomed Clare Whyte and Paul Walker to their first meeting of the Council.

3. As this was Lord Matthews' last meeting of the Council, the Chair thanked him for his contribution.

Item 2 Approval of minutes of meeting of 26 May 2026 and matters arising [Paper 1].

4. The minutes of the meeting of 26 May 2026 were approved, and it was agreed that Papers 2-8A were to be treated as private.

Item 3: Scottish Government update [Paper 2 – private].

5. Anna Donald updated the Council on behalf of the Scottish Government, highlighting various pieces of legislation which may impact the work of the Council.

6. Anna Donald advised members that her team had positive discussions with Crown officials about the witness citation form. Live actions will come out of that, following which the Scottish Government will engage with LPPO and update the Council.

Item 4: Draft Act of Adjournal for approval: Juror Citation [Paper 3, 3A and 3B – private]

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7. Members considered the draft Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Juror Citation) 2026.

8. Two minor amendments to the juror citation form were considered. Members agreed that the word "alternatively" should be changed to "or" to reflect consistency and a preference for plain language. Members also agreed that the words "if selected to attend" should be amended to "if you have been selected to attend" to improve clarity.

9. Subject to those amendments members were content that the points made at the previous council meeting had been addressed in the draft form. The Chair thanked Melanie McGrane for taking onboard feedback from the Council.

10. Melanie McGrane confirmed that the National Jury Unit will be in place by February or March next year and the Jury Transformation Project will be fully rolled out by the end of the financial year. She will liaise with LPPO regarding a coming into force date.

11. The instrument was approved by members, subject to the aforementioned amendments and stylistic changes.

Item 5: Draft Act of Adjournal for approval: Criminal Justice Modernisation [Paper 4, 4A and 4B - private].

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12. Members considered the draft Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Act 2025) 2026 and discussed points arising.

13. The Chair raised with members that criminal procedure forms continue to use the words "Humbly Sheweth" to introduce substantive points. He noted that paper 4 suggests using a simpler formulation such as "the applicant respectfully submits". Although that represents plainer and more modern language, the Chair indicated that he did not consider a preamble necessary. Members agreed that "humbly sheweth" should be deleted from the two forms. Lord Matthews raised that the word "that" should be deleted as a consequence and members agreed. Lord Matthews also raised that the phrase "in respect whereof" is suited to civil procedure and that "according to justice etc" should be used in criminal procedure forms. LPPO undertook to reflect on this point.

14. The instrument was approved by members in principle, subject to the aforementioned amendments and stylistic changes.

Item 6: Draft Act of Adjournal for approval: Suspension of IP addresses and internet domain names [Paper 5 and 5A - private].

15. Members considered the draft Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Act 2025) 2026 and discussed points arising.

16. Stuart Munro asked whether it was appropriate for hearings always to take place in private, particularly when taking account of the principle of open

justice. LPPO undertook to discuss the matter further with the Home Office and to revert to the Council by correspondence.

Item 7: Rules Request: Independent Legal Representation [Paper 6 and 6A - private].

17. Members discussed paper 6, which had been submitted by the Scottish Government.

18. Members raised the potential for delay under the new provisions and agreed that it will require new court rules and forms. Issues around challenging timescales and provision of sufficient information at an early stage were discussed. The Chair said that despite the challenges, the Council must do what it can to make the process as streamlined as possible. It was noted that a Practice Note may be required in addition to rules and forms.

19. LPPO raised that practical experience is crucial to inform the drafting of new rules and forms and that input from sheriffs, judges and practitioners would be welcomed by LPPO. It was agreed that members would be invited to share their views with LPPO prior to the next council meeting in February where the paper could be discussed further.

Item 8: Rules Request: Section 101 of the Victims, Witnesses, and Justice Reform (Scotland) Act 2025 - relevant information [Paper 7 and 7A - private].

20. Members discussed paper 7, which had been submitted by the Scottish Government.

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21. The Chair highlighted that the Act provides a power whereby "relevant information" to be provided to witnesses who wish to give evidence at a hearing, rather than by commission, may be prescribed by Act of Adjournal. At present the provision applies in discreet circumstances where a record of the witness's evidence is to be admitted in a subsequent case and further questioning has been allowed.

22. The Chair updated members that there is a video recording in production which explains how giving evidence at a commission works in practice and how that compares to giving evidence at a hearing. The content of that video recording, or a transcript of it, might in due course form part of the "relevant information" but it won't be ready soon. However, Scottish Government intends to go ahead in respect of this discrete area at present.

23. Gulnar Mehmood provided comments on behalf of SCTS which raised a potential limitation with regards to the provision of information primarily on the SCTS website. The Chair continued consideration of the paper so the issue could be resolved.

Item 9: Rules Request: Public Authorities (Fraud, Error and Recovery) Act 2025 [Paper 8 and 8A - private].

24. The Council discussed the rules request contained in Paper 8. Members agreed that rules were necessary and appropriate.

25. LPPO was asked to draft an Act of Adjournal for the Council's consideration.

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Item 10: Update on section 305 of Criminal Procedure (Scotland) Act 1995: Trauma Informed Practice [Paper 9, 9A and 9B].

26. The Chair highlighted Part 2 of the Victims, Witnesses, and Justice Reform (Scotland) Act 2025 and members were asked to note that section 27 amends section 305 of the Criminal Procedure (Scotland) Act 1995, giving the High Court an express power to amend court procedure to ensure that it is trauma-informed. The Chair indicated that the Council should be familiar with the principles of trauma-informed practice and highlighted resources that are available for that purpose.

27. The Chair encouraged council members to access those resources as trauma-informed practice will affect rules going forward.

28. Members agreed that Paper 9 could be made public.

Item 11: AOB

29. The next meeting is due to take place on 23 February 2027 at 4.15pm.

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