

## MINUTES OF MEETING OF THE CRIMINAL COURTS RULES COUNCIL

VIA WEBEX, WEDNESDAY 23 NOVEMBER 2022

**Present:** Lord Justice Clerk (Chair)  
Lord Beckett  
Lord Matthews  
Sheriff Alistair Brown  
Sheriff Norman McFadyen  
Stuart Fair JP  
Professor James Chalmers  
Kate Wallace, Victim Support Scotland  
Peter Lockhart, Solicitor  
Stuart Munro, Solicitor  
Anna Donald, Scottish Government  
Ruth McQuaid, COPFS  
Kenny Donnelly, COPFS  
Ian Dickson, Scottish Legal Aid Board  
Gail Smith, SCTS

**In attendance:** Ross Martin (Deputy Principal Clerk of Justiciary)  
Carolyn Magill (LPPO) - Observer  
Katy Kelman (LPPO) - Observer

**Secretariat:** Andrew Campbell, Legal Secretary to the Lord Justice General

**Apologies:** Sheriff Gillian Wade KC  
Shelagh McCall KC  
John Scullion KC  
The Clerk of Justiciary

### Welcome

The Chair welcomed members, noting apologies and those attending today's meeting as observers.

The Chair welcomed Anna Donald to the meeting, noting that she replaces Willie Cowan as the Scottish Government member.

The Chair asked that members' thanks for Willie Cowan's service as a diligent member of the Council be noted and that a letter of thanks be sent to him on members' behalf.

**Item 1: Private papers.**

1. It was agreed that Papers 2, 3 and 3A be treated as private papers.

**Item 2: Minutes and matters arising [Paper 1].**

2. The minutes of the meeting of 21 February 2022 were approved.

Members considered several matters arising from the minutes not otherwise dealt with on the agenda, noting the following:

- *Vulnerable Witnesses (Criminal Evidence) (Scotland) Act 2019 section 6 – simplified witness notification*

Gail Smith advised that the pilot of the simplified process is running in the sheriff courts in Falkirk, Stirling and Alloa. A pilot was rolled out in the High Court in October 2022 but information is awaited on that pilot.

- *Transferring Cases Between Sheriffdoms*

LPPO is to look into this and what is feasible and vires before bringing it back to the Council. Views of the Sheriffs Principal will also be sought once all are in post. The matter has not been lost sight of.

- *Form 20.10-A to be amended and Rules Request from DVLA regarding amendment to Form 16.1C*

These changes have been sanctioned under s.305(4) of the Criminal Procedure (Scotland) Act 1995 and will take effect on 30 November 2022.

**Item 3: Scottish Government Update [Paper 2 - private paper].**

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

Members noted that there was no update in relation to the Age of Criminal Responsibility (Scotland) Act 2019.

**Item 4: United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill.**

4. Members noted that there was no timescale as yet for the Bill's reconsideration by Parliament and that the Council has not yet received a policy paper from the Scottish Government in relation to rule changes. The matter of the Commissioners' powers of intervention was highlighted as something that will require consideration.

**Item 5: Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Miscellaneous) 2022 [Papers 3 and 3A – private papers].**

5. Members' views were sought on the proposed draft Act of Adjournal which would make changes to witness citation forms

**Item 6: Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (European Union (Future Relationship) Act 2020) 2022 [Papers 4 and 4A]**

6. Members approved the Act of Adjournal for submission to the High Court subject to styling.

**Item 7: AOCB**

7. No AOCB.

**Item 8: Next meeting date**

8. The next meeting is to be arranged in due course, late January/ early February 2023.