

**MINUTES OF MEETING OF THE CRIMINAL COURTS RULES COUNCIL  
IN PERSON AND VIA WEBEX TUESDAY 30 MAY 2023**

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

### **Item 1: Welcome and apologies**

The Chair welcomed members, noting apologies and those attending as observers.

The Chair noted this was the final meeting for Peter Lockhart and Sheriff Brown prior to retiring later this year. It was also the last meeting for Sheriff Wade who will be installed Sheriff Principal of Tayside, Central and on 1 August 2023.

The Chair invited members to join her in extending thanks to Peter Lockhart, Sheriff Brown and Sheriff Wade for their contribution to the Council over the years.

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

1. The minutes of the previous meeting on 15 February 2023 were approved.

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

Amendments have been made to the draft instrument as per discussions at previous meetings. Comments have now also been received from First Word. Subject to the amendments from First Word being made and a minor amendment proposed by Sheriff McFadyen, members were content for LPPO to make final drafting checks and style the instrument for making by the High Court.

*Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (European Union (Future Relationship) Act 2020) 2023)*

The instrument will be made by the High Court on 31 May 2023 and come into force on 30 June 2023.

### **Item 3: 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. There were no action points arising for the Council at this time.

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

3. The Chair noted that at the last meeting Willie Cowan of the SG was asked if the Scottish Government would provide a contingency paper to allow for workflow planning. No such paper had been received.

Anna Donald apologised for the lack of update. An anticipated letter from the Scottish Ministers to the Equalities, Human Rights and Civil Justice Committee will be provided to LPPO once it is in the public domain. She advised that that letter was anticipated to be sent week commencing 29 May 2023.

She advised Ministers are committed to incorporating UNCRC into domestic law. There has been engagement with the Office of the Advocate General. Reconsideration by the Scottish Parliament is not anticipated prior to the summer recess.

The Chair emphasised again how important it is for the council and LPPO to get as clear a picture as possible of the work that will be required in order that workflow planning can take place.

#### **Item 5: Rules Request: Hunting with Dogs (Scotland) Act 2023 [Papers 3 and 3A- private]**

4. Comments were invited on the proposals within the papers. Following discussion and agreement between members LPPO was instructed to draft the instrument accordingly.

#### **Item 6: Rules Request: Simplified Vulnerable Witness Notification [Papers 4, 4A and 4B- private]**

5. Members discussed the request and raised some queries in respect of certain elements of the proposed process. Kenny Donnelly offered to feedback to COPFS colleagues, updating members by correspondence, and liaise with Kate Wallace directly regarding VSS input.

#### **Item 7: Rules Request: Mutual Legal Assistance- European Union countries [Papers 5 and 5A- private]**

6. Members discussed the request and were content with the proposal. The Chair noted the short time period in which to draft a rule change.

#### **Item 8: Rules Request: National Security Bill**

7. LPPO advised a query about rules had been received from the United Kingdom government however an accompanying policy paper is still awaited. Members noted the position.

#### **Item 9: AOB**

8. There was no AOB.

**Item 10: Date of next meeting**

9. The next meeting is due to take place on 11 October 2023.