

**MINUTES OF MEETING OF THE CRIMINAL COURTS RULES COUNCIL
IN PERSON AND VIA WEBEX TUESDAY 11 OCTOBER 2023**

- Present:** Lord Justice Clerk (Chair)
Lord Matthews
Sheriff Norman McFadyen
Sheriff Paul Brown
John Scullion KC
Stuart Fair JP
Professor James Chalmers
Kate Wallace, Victim Support
Anna Donald, Scottish Government
Ian Dickson, Scottish Legal Aid Board
- In Attendance:** Alex McKay (Depute Clerk of Justiciary)
Lori Pidgeon (LPPO)- Observer
Jonathan Hodges (LPPO)- Observer
- Secretariat:** Edward McHugh, Senior Deputy Legal Secretary to the Lord President
- Apologies:** Lord Mulholland
Sheriff Ian Cruickshank
Shelagh McCall KC
Gail Smith, SCTS
Ruth McQuaid, COPFS
Laura Buchan, 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 of Professor Chalmers and Sheriff McFadyen.

The Chair invited members to join her in extending thanks to Sheriff McFadyen and Professor Chalmers for their contribution to the Council over the years.

The Chair welcomed Sheriff Brown to the Council and advised Sheriff Cruickshank and Laura Buchan had also both recently been appointed as members.

Item 2: Minutes and matters arising [Paper 1]

1. The minutes of the previous meeting on 30 May 2023 were approved.

Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Solemn Witness Citation) 2023)

The instrument was laid before the Scottish Parliament on 27 September 2023 and comes into force on 1 November 2023. Alex McKay raised a question in relation to defence witness citations. The secretariat advised that this was considered to be an operational matter between SCTS and COPFS.

A news article will be posted on the SCTS website publicising the instrument.

Simplified Vulnerable Witness Notification [Papers 4, 4A and 4B- private]

The Chair noted there had been previous discussions about this.

COPFS to provide an update for the next meeting.

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 the Council has been requesting information on 2 particular points:
 - I. How any delay caused by the intervention of the UNCoRC would affect criminal timebars
 - II. How the provisions for the Commissioner will operate in practice for criminal prosecutions.

Anna Donald advised she had no more substantive information to provide to the Council at this time. However there had been a meeting between Scottish Government and LPPO on the 22nd September during which the 2 issues noted above were raised and the matters are being given active consideration by Scottish Ministers.

She was hopeful she would be in a position to provide clarity in the following month and would keep the Council informed if there were updates prior to the next meeting.

The Chair noted it would be incredibly helpful to have a rules request as soon as possible and that it would be beneficial to have someone from the policy team at Scottish Government present at the meeting of the Council in February. Anna Donald noted this request from the Chair.

Item 5: Dogs (Protection of Livestock) Act of Adjournal [Paper 3 - private]

4. Discussions took place as to a possible amendment.

LPPO will make the necessary amendments to the draft instrument.

Item 6: Act of Adjournal: Hunting with Dogs (Scotland) Act 2023 [Papers 4 and 4A-private]

5. Discussions took place regarding the terms of the draft instrument.

Item 7: Jury Ballot- increase in maximum numbers of reserve jurors

6. The Council considered whether the maximum number of reserve jurors (currently set at 10 by Rule 14.2(4) of the Criminal Procedure Rules 1996) should be increased. On the information available, members did not consider such a change was justified.

Item 8: AOB

7. N/A

Date of next meeting

13 February 2024