

MINUTES OF MEETING OF THE CRIMINAL COURTS RULES COUNCIL

PARLIAMENT HOUSE, MONDAY 18 JUNE 2018

- Present:** Lord Justice Clerk (Chair)
Lord Matthews
Sheriff Norman McFadyen
Sheriff William Gilchrist
Sheriff Frank Crowe
Stuart Fair JP
Professor James Chalmers, University of Glasgow
Catriona Dalrymple, COPFS
Anthony McGeehan, COPFS
Peter Lockhart, Solicitor
Branislav Sudjic, Solicitor
Murdo Macleod, QC, Faculty of Advocates
Claire Mitchell, Faculty of Advocates
Willie Cowan, Scottish Government
Ian Dickson, Scottish Legal Aid Board
- In attendance:** Alex McKay, High Court of Justiciary
Anne Reid, Sheriff Clerk
David Dickson, Scottish Sentencing Council
Louise Scott, Scottish Government
- Secretariat:** Edward McHugh, Deputy Legal Secretary to the Lord Justice General
- Apologies:** Lord Justice General
The Clerk of Justiciary
Lord Turnbull
Dennis McCall, Sheriff Clerk
Kate Wallace, Victim Support

Item 1: Private papers.

1. It was agreed that Papers 2, 3, 3A, 3B, 4 and 4A be treated as private papers.

Item 2: Minutes and matters arising.

2. The minutes of the meeting of 19 February 2018 were approved, subject to the addition of Willie Cowan to the list of attendees. With regard to matters arising, the Council noted **Item 4** European Investigation Order Act of Adjournal: This was made as SSI 2018/150 and came into force on 31 May 2018. **Item 5** - Brexit Update: On 30 April 2018 members were sent a set of papers (3) setting out the current position to note. **Item 6** Records Management Plan: SCTS are continuing to discuss the RMP with National Registers of Scotland. Further updates will be provided in due course.

Item 3: Scottish Government Update.

3. Members considered an update from SG highlighting various pieces of legislation set out in the Programme for Government which may impact on the work of the Council. In particular,

- *Management of Offenders (Scotland) Bill*
- *Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill*
- *Age of Criminal Responsibility(Scotland) Bill*
- *Historical Sexual Offences (Pardons and Disregards)(Scotland) Bill*

With respect to the possibility of an appeal against a decision of Scottish Ministers against a decision not to have a conviction disregarded Ian Dickson queried whether such an appeal would be criminal or civil procedure (such as

by summary application). Willie Cowan noted the question for feedback to the bill team.

Item 4: Sentencing guidelines approval process: request for court rules and draft instrument.

4. Members considered the papers and, after discussion, the Council approved the instrument for submission to the High Court, subject to LPPO styling and to certain other minor changes (making it clear a judge who is a member of the sentencing council cannot be a member of court which approves the guidelines) and grammatical changes.

Item 5: Prisoner voting; request for court rules.

5. Members considered the papers and, after discussion, the Council declined to take the requested step of amending Form 20.18-A (Extract of custodial sentence following conviction on indictment, warrant of detention and return of sentence) and Form 20.18-B (Extract of sentence imposed in summary proceedings).

Item 6: A.O.C.B.

6. None

Item 7: Next meeting.

7. The next meeting is on **Monday 29 October 2018.**

18 June 2018