

**MINUTES OF MEETING OF THE CRIMINAL COURTS RULES COUNCIL  
IN PERSON AND VIA WEBEX TUESDAY 13 FEBRUARY 2024**

**Present:** Lord Justice Clerk (Chair)  
Lord Matthews  
Sheriff Ian Cruickshank  
Sheriff Paul Brown  
Dr Gabrielle Watson  
Frances McMenamin KC  
Michael Meehan KC  
Stuart Munro  
Stuart Fair JP  
Kate Wallace, Victim Support  
Wendy Robertson, SCTS  
Anna Donald, Scottish Government  
Ian Dickson, Scottish Legal Aid Board  
Ruth McQuaid, COPFS

**In Attendance:** Ross Martin (Depute Clerk of Justiciary)  
Shona Spence, Scottish Government  
Andrew Campbell (LPPO)  
Lori Pidgeon (LPPO)- Observer  
Jonathan Hodges (LPPO)- Observer

**Secretariat:** Edward McHugh, Senior Deputy Legal Secretary to the Lord President

**Apologies:** Lord Mulholland  
Michael Gallen  
Laura Buchan, COPFS

**Item 1: Welcome and apologies**

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

The Chair welcomed Frances McMenamin KC, Michael Meehan KC, Dr Gabrielle Watson and Wendy Robertson to the Council.

Members were advised that Stuart Fair, Kate Wallace, Stuart Munro, Ian Dickson and Ruth McQuaid have all recently been reappointed for a further three year term.

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

1. The minutes of the previous meeting on 11 October 2023 were approved and it was agreed papers 2, 3, 4, 5, 6 and 6A were to be treated as private.

**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) Act [Papers 3, 4 and 5- private]**

3. The Council considered papers which had been submitted by Scottish Government.

**Item 5: Bail Appeals and CPOs in the Sheriff Appeal Court [Papers 6 and 6A- private]**

4. The Council considered papers which had been submitted in respect of Bail Appeals and CPO reviews in the Sheriff Appeal Court.

LPPO to carry out further enquiries and provide an update for the next meeting.

**Item 6: AOB**

5. *Simplified Vulnerable Witness Notification*

The Chair advised this would be placed on the agenda for the next meeting.

6. *Jurors Affirming*

The Chair advised this was a matter which had been raised at the Council several years prior. A concern was raised that the requirement for jurors who are affirming to do so individually may be discriminatory. The matter was considered by LPPO however and the conclusion was that the form of wording for the affirmation was set out in s6(1) of the Oaths Act and as such it was not a matter which could be addressed by court rules.

The matter has been raised again by the Judicial Institute and subsequently by Sheriff McCartney following communication from the Humanist Society.

It was noted that following Covid the practice is now for all jurors who are affirming to say the affirmation together however to state their names individually.

Anna Donald advised she would raise the issue with Scottish Government colleagues to consider if anything further could be done.

**Item 7: Date of next meeting**

7. The next meeting is due to take place on 15 May 2024.