

APPROVED

**Minutes of Sheriff Court Rules Council Meeting
Parliament House, Edinburgh
03 May 2013 10.00 am**

PRESENT

Sheriff Principal CAL Scott, QC
Sheriff Principal M Stephen
Sheriff R Dickson
Sheriff A Deutsch
Sheriff A G McCulloch
Mr S Brand
Mr F Simpson
Mr M Speirs
Ms C McLachlan
Mr A McLean QC
Mrs F MacPherson
Ms R Smith
Mr R Sandeman
Mr S McCourt (Secretary)
Mrs L McCabe (Assistant Secretary)

In attendance

The Lord President and his Legal Secretary Mrs K MacGregor attended before the start of the meeting.

The Lord President extended his thanks to all members for their service on the Council. He also thanked them on behalf of the judges who admired the quality of their work.

The Lord President advised that the first meeting of the new Scottish Civil Justice Council was scheduled for 10 June. The appointments process for membership was currently underway. He encouraged any members who would be interested in participating in one of the Council's sub-committees to pass their contact details to Mrs MacGregor or Ondine Tennant, the Deputy Secretary to the Council.

1. Apologies

Mr R McDonald; Mrs M McLean; Mr A McIntosh

2. Minutes of previous meeting

The minutes of the previous meeting were approved.

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Matters arising

Lay representation

The new rules came into force on 4 April. The Chairman advised that a sheriff at Glasgow had refused to allow an individual to appear as a lay representative because of his previous convictions.

Sheriff Dickson thanked Ms Alcock (who has recently taken up a new post in the Crown Office) for the response which she had issued to the Subordinate Legislation Committee. The Secretary thanked Sheriff Dickson for his input to the response.

Scottish Civil Courts Review

Mr Sandeman provided an update on the Courts Reform (Scotland) Bill which is currently being consulted upon. He advised that a stakeholders meeting had been held the previous week with more planned in the coming weeks.

3. Amendment to the Bankruptcy (Scotland) Rules 2008

The Council considered the papers produced by the Accountant in Bankruptcy and the Secretariat. After discussion, the Council agreed that Appendix 2 of the rules be amended in accordance with the proposal by the Accountant in Bankruptcy.

Action: The Secretariat to instruct the appropriate amendment;

4. Council Legacy paper

The Secretary provided a brief outline of the purpose of the paper which is designed to reflect the outstanding work of the Council which will require to be taken forward by the Scottish Civil Justice Council.

After discussion the Council approved the paper.

5. Business Update

The Secretary provided a general update on the various matters mentioned. In addition, Sheriff McCulloch as Chairman of the Child Welfare Working Group provided an update of progress to date on both the Children's Hearings rules and the new family rules.

The Council noted progress on all matters.

6. AOCB

The Chairman expressed his gratitude to both current and former members of the Council for all their work over the years. He also thanked the Secretary and Assistant Secretary for their support to the Council during that time.