MINUTES OF MEETING OF THE CRIMINAL COURTS RULES COUNCIL

IN PERSON AND VIA WEBEX WEDNESDAY 26 MAY 2026

Present:	Lord Justice Clerk (Chair)
	Lord Matthews
	Frances McMenamin KC
	Stuart Munro, Solicitor
	Stuart Fair JP
	Sheriff Iain Fleming
	Sheriff Paul Brown
	Kate Wallace
	Richard Goddard KC
	Sheriff Ian Cruickshank
	Anna Donald
	Laura Buchan
In attendance:	Zach Conway in place of the Clerk of Justiciary
	Lorna Munro, SCTS
	Melanie McGrane, SCTS
Secretariat:	Elaine McHugh (LPPO)
	Edward McHugh (LPPO)
	Esther Tatton (LPPO)
Apologies:	Lord Mulholland
	Wendy Robertson
	Andrew Laing
	Dr Gabrielle Watson
	Michael Gallen

Item 1: Welcome and apologies.

1. The Chair welcomed members and noted apologies.

2. The Chair noted the retirement of Ian Dickson and recorded the Council's thanks for his consistent service since 2017.

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

3. At the last meeting members approved a draft SSI, Act of Adjournal (Criminal Procedure Rules 1996 Amendment) (Affirmations and Oaths) 2026, which made provision for the oath or affirmation of a communication supporter as well as for jurors to affirm collectively. The Chair updated the Council that the instrument was made on 18 February 2026 as SSI 2026/99.

4. The minutes of the meeting of 11 February 2026 were approved, and it was agreed that Papers 2-7 were to be treated as private.

Item 3: Scottish Government update [Paper 2 – private].

5. Anna Donald updated the Council on behalf of the Scottish Government, highlighting various pieces of legislation which may impact the work of the Council.

6. She updated the Council on the Review of Communications to Witnesses and Victims which was item 7 at the last meeting. There have been several relevant recommendations shared in an HM Inspectorate for Prosecutions report which are being considered. Scottish Government intend to discuss matters with LPPO.

Item 4: Draft instrument for discussion: Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Act 2025 [Papers 3, 3A and 3B - private].

7. At the last meeting of the Council, members agreed that rules should be drafted in relation to sections 5 and 7 of the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Act 2025. At that meeting members were undecided as to whether rules were also required in relation to section 11 of the 2025 Act. The Council asked LPPO to draft potential rules and forms to aid discussion at this meeting.

8. Members discussed section 11 and considered whether rules were required to govern the procedure for adding a charge to an indictment. In particular, they reviewed a draft application form for seeking the court's permission to add a charge. Members agreed that prescribing an application would promote consistency. It was also agreed that the form should require the Crown to specify the charges sought to be added.

9. Members considered a draft form for the defence to intimate consent to an additional charge. While recognising that a prescribed form could support consistency, members noted that consent could be intimated by other means. On balance, it was agreed that prescribing a form for this purpose was not necessary.

10. LPPO was asked to draft an Act of Adjournal for the Council's consideration.

Item 5: Rules Request: Juror Citation Form [Papers 4 and 4A – private].

11. Members discussed paper 4, which had been submitted by SCTS.

12. Melanie McGrane set out the work of the Jury Transformation Project and the ways in which citation of jurors will change. She explained that it will become a two-step process whereby potential jurors receive a registration notice approximately six months before citation.

13. Members discussed potential changes to the juror citation form. The Chair noted that the proposed form asks that the potential juror scan a QR code. He asked whether there would be an alternative to this, noting accessibility issues. Melanie McGrane confirmed that potential jurors will still be able to phone SCTS or to seek support in person at a court building.

14. Kate Wallace commented that any additional wording on the form should frame alternative modes of contact positively, emphasising choice. Members also observed the importance of ensuring that jurors are drawn from as wide a cross-section of society as possible. It was agreed that the citation should clearly set out the available options for contact.

15. Stuart Munro raised concerns about the clarity of the letter, particularly the introduction. Melanie McGrane indicated that some of the decision-making around the content of the proposed form reflected the Project Team's understanding that many potential jurors only read the first page of the citation.

16. SCTS were asked to provide LPPO with a revised form, reflecting the above discussion. LPPO will then draft an Act of Adjournal for the Council's consideration at its October meeting.

<u>Item 6: Rules Request: Admission of the record of a prior examination as evidence [Paper 5 - private].</u>

17. The Council discussed the rules request contained in Paper 5. Members considered whether rules were necessary to give effect to the legislation and agreed that existing special measures procedures were sufficient.

18. The Council decided that it was not necessary to progress the rules request.

<u>Item 7: Rules Request: Suspension of IP addresses and domain names [Papers 6, 6A and 6B - private].</u>

19. The Council discussed the rules request contained in Paper 6. Members agreed that rules were necessary and appropriate given the likely number of applications and the potential impact of such orders.

20. LPPO was asked to draft an Act of Adjournal for the Council's consideration.

<u>Item 8: Rules Request: Child Criminal Exploitation Prevention Orders [Papers 7, 7A and 7B - private]</u>

21. The Council discussed the rules request contained in Paper 7. Members considered whether rules were necessary to give effect to the legislation and whether it would be proportionate to make rules at this stage.

22. The Council decided that it was not necessary to progress the rules request.

Item 9: AOB

23. No further business was raised.

Item 10: Date of next meeting

24. The next meeting is due to take place on 6 October 2026.