

**MINUTES OF MEETING OF THE CRIMINAL COURTS RULES COUNCIL IN PERSON
AND VIA WEBEX
WEDNESDAY 16 OCTOBER 2024**

Present: Lord Justice Clerk (Chair)
Lord Matthews
Sheriff Ian Cruickshank
Sheriff Paul Brown
Dr Gabrielle Watson
Frances McMenamin KC
Stuart Munro
Stuart Fair JP
Anna Donald
Ian Dickson
Sheriff Iain Fleming

In Attendance: Laura Tait (LPPO) - Observer
Ross Martin (Depute Clerk of Justiciary) in place of the Clerk of Justiciary
Giorgio Ventesei (LPPO) - Observer

Secretariat: Edward McHugh (Senior Deputy Legal Secretary to the Lord President)

Apologies: Michael Gallen
Lord Mulholland
Laura Buchan, COPFS
Kate Wallace, Victim Support
Wendy Robertson, SCTS
Michael Meehan KC
Ruth McQuaid, COPFS

Item 1: Welcome and apologies

The Chair welcomed members, noting apologies.

Item 2: Approval of minutes of meeting of 15 May 2024 and matters arising [Paper 1].

1. The minutes of the previous meeting on 15 May 2024 were approved and it was agreed papers 2 - 8 were to be treated as private.

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

2. The Chair thanked the Scottish Government for the new format of the update. Members considered the update from the Scottish Government highlighting various pieces of legislation which may impact on the work of the Council.

3. Anna Donald advised that there is uncertainty surrounding bills which are yet to be introduced in this session and the parliamentary timetable of stages for current bills. She will keep LPPO up to date on the progress of the bills. There were no action points arising for the Council at this time.

Item 4: Draft Act of Adjournal for approval: National Security Act 2023 [Papers 3 & 4–private].

4. Members considered draft Act of Adjournal (Criminal Procedure Rules 1996 Amendment) Miscellaneous 2024 and discussed points arising.
5. The Council considered the matters in paras 18 -24. The Chair stated that the application of the rule should not be limited by terms of temporary provisions and a procurator fiscal should be able apply to vary or recall a production order or an explanation order under the 2000 and 2023 Acts. The Council agreed that such provisions can be made.
6. The Council considered the matters in paras 26-27. As some applications for warrants under the 2000 and 2023 Acts can be made orally, the Council agreed that the instrument should require that only written applications for warrants are to be made on petition.
7. The instrument was approved by Members in principle, subject to the aforementioned amendments.

Item 5: Transfer of cases between sheriffdoms [Papers 5 & 6 - private].

8. The Council agreed not to modify current transfer procedure. There were no action points arising for the Council at this time.

Item 6: Rules Request: Economic Crime and Corporate Transparency Act 2023 [Paper 7 - private]

9. Members agreed with the recommendation from LPPO that rules should be drafted.

Item 7: Simplified Vulnerable Witness Notification [Paper 8 -private].

10. The Chair stated that more information is needed from COPFS.
11. LPPO will follow up with Ruth McQuaid. This item will be placed on the agenda at the next meeting.

Item 8: Bail Appeals and Community Payback Orders in the Sheriff Appeal Court [Paper 9 – private]

12. The Chair shared statistics regarding this matter and it was deemed not to be a significant issue due to low numbers. Council agreed that the matter was not to be progressed.

Item 9: AOB

13. As this was Lady Dorrian’s last meeting as Chair of the Council, Lord Matthews proposed a vote of thanks with which members concurred.

Item 10: Date of next meeting

The next meeting is due to take place on 25 February 2025.

DRAFT