

**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)
Edward McHugh (LPPO)- Observer
Jonathan Hodges (LPPO)- Observer

Secretariat: Lori Pidgeon, 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. The Chair took the opportunity to thank 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. 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. Members considered the papers with Anna Donald advising she would provide feedback to the Scottish Ministers on points which had arisen. LPPO advised a first draft of rules would be provided to the Council for consideration in due course. Members agreed to resume discussions once the first draft of proposed rules was available.

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

4. The Council considered a paper which had been submitted by the Sheriffs Principals.

LPPO undertook to follow up with the Sheriff Principals on the points raised and update the Council at the next meeting.

Item 6: AOB

5. *Simplified Vulnerable Witness Notification*

The Chair reminded members about discussions that had taken place at previous meetings. COPFS provided an update to the Council however due to the timing of the submission members were unable to fully consider it.

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. The matter was previously considered by LPPO 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 any proposed changes was not a matter which could be addressed by court rules.

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.