

Justice Committee

Scottish Civil Justice Council and Criminal Legal Assistance Bill

Letter from the Lord President and Lord Justice General to the Convener

Thank you for your letter of 18 September 2012 [see Annexe]. The use of committees and any committee structure is essentially a matter for the Council. Having said this, I am keen that a committee structure is formed by the Council. This approach will ensure that detailed work can be carried out by those with the requisite skills and experience which will assist the Council to undertake its statutory functions. It would be my intention to appoint committee members with the relevant experience or specialisms onto the committees. For continuity there will be some Council members who are also committee members but, I expect that the majority of the committee members will not be members of the Council. It is hoped that the committee structure will provide the opportunity for those with particular areas of specialism or interests to contribute to the work of the Council and that this forum will ensure that their views are represented.

In the initial years of the Council, I would envisage committees or sub-groups to be closely aligned to the implementation of the Court Reforms (Scotland) Bill and the subsequent primary legislation to implement Sheriff Principal Taylor's Review. Beyond that, one approach to undertaking the statutory functions of the Council could be to have committees on policy and rule making. Alternatively, subject committees could be adopted along similar lines to the Civil Justice Council for England and Wales. The approach taken will be a matter for the Council.

Finally, I note that there have been a number of comparisons made between the Scottish Civil Justice Council and the Civil Justice Council for England and Wales in the written and oral evidence before the committee. I would like to take this opportunity to advise the committee that the proposed remit of the Scottish Civil Justice Council combines that of the Civil Justice Council and the Civil Procedure Rule Committee for England and Wales. The remit and membership of the Scottish Civil Justice Council requires to be considered in this context and not just by comparison with the Civil Justice Council for England and Wales in isolation.

The Rt Hon Lord Gill
Lord President and Lord Justice General
24 September 2012

Annexe

Letter from the Convener to the Lord President and Lord Justice General

The Justice Committee today took evidence from the Cabinet Secretary for Justice in our concluding evidence session on the Bill. During the session, the Committee questioned the Cabinet Secretary for his views on the Council establishing committees to undertake specific work. Mr MacAskill was supportive of the use of committees and said that they might provide additional flexibility to the Council.

I note that this was not an issue that the Committee explored with you during the evidence session, and Members agreed today that it would be helpful to hear your views. My colleagues requested that I should write to you and ask whether you might be able to comment on how you envisage committees being used by the Council. For example, some witnesses have suggested that committees might perform specialist functions such as drafting rules of court while others believed they might provide a route for those who are not members of the Council to contribute to its work.

As the Committee will shortly be considering its draft report on the Bill, I would be grateful if you were able to respond by no later than Friday 28 September, as the report must be agreed by the Tuesday of the following week.

With many thanks in anticipation for your help.

Christine Grahame MSP
Convener, Justice Committee
18 September 2012