



Scottish Civil Justice Council and Criminal Legal Assistance Act 2013

2013 asp 3

PART 1

SCOTTISH CIVIL JUSTICE COUNCIL

Functions and powers

2 Functions of the Council

- (1) The functions of the Council are—
- (a) to keep the civil justice system under review,
 - (b) to review the practice and procedure followed in proceedings in the Court of Session and in civil proceedings in the sheriff court,
 - (c) to prepare and submit to the Court of Session draft civil procedure rules,
 - (d) to provide advice and make recommendations to the Lord President on the development of, and changes to, the civil justice system, and
 - (e) to provide such advice on any matter relating to the civil justice system as may be requested by the Lord President.
- (2) In carrying out its functions under this Act, the Council must have regard to—
- (a) the principles in subsection (3), and
 - (b) any guidance issued by the Lord President.
- (3) The principles are—
- (a) the civil justice system should be fair, accessible and efficient,
 - (b) rules relating to practice and procedure should be as clear and easy to understand as possible,
 - (c) practice and procedure should, where appropriate, be similar in all civil courts, and
 - (d) methods of resolving disputes which do not involve the courts should, where appropriate, be promoted.

Status: This is the original version (as it was originally enacted).

- (4) For the purposes of this Part, “draft civil procedure rules” are draft rules which relate to a matter in subsection (5).
- (5) Those matters are—
- (a) any matter relating to a court within the remit of the Council which the Court of Session may regulate by act of sederunt,
 - (b) any matter relating to a court within the remit of the Council in anticipation of the Court of Session being given power to regulate the matter by act of sederunt, or
 - (c) any matter relating to a proposed court in anticipation of—
 - (i) the court being established and added to the remit of the Council, and
 - (ii) the Court of Session being given power to regulate the matter by act of sederunt.
- (6) The courts within the remit of the Council are—
- (a) the Court of Session, and
 - (b) the sheriff court.