

From: Swanson DA (Denise)
Sent: 10 May 2017 11:59
To: [REDACTED]
Subject: REVISED SCHEME

Bill,

I refer to your contact with Laura McDavitt regarding your revised Scheme.

As you will be aware, when the transitional period expired, it was agreed that the scheme could benefit from small revisions to reflect new simple procedure rules and changes in quorum.

John Thomson wrote to you in March 2016 seeking submission of these small revisions by 1 July 2016. Space was duly allocated in our workplan to review these revisions with a view to the revised scheme coming into force alongside the Simple Procedure Rules on 28 November 2016.

Unfortunately the revisions were not submitted until 18 October 2016 and proposed changes to the scheme that were beyond those discussed and agreed. Other priorities have prevented us from progressing consideration of these proposals, as the late submission coincided with other planned work.

Having now reviewed your proposals, we consider the substantive nature of the changes you propose would require wider consultation with stakeholders. I am referring in particular to the proposed extension of Members' rights of audience/conduct set out in paragraph 3, and to the widening of the definition of "construction matter" (notably, the references to oil and gas matters and to adjudications). We would also need time to review responses to that consultation. None of this is possible without first fully analysing the rationale and benefits to such significant change. Given other pressures and priorities, it is not an issue which we can pursue at this time. Our resources are finite and require detailed planning which means we are not able to absorb additional and unexpected activity.

We recommend that a revised scheme is submitted with the minor revisions agreed initially, to reflect simple procedure and quorum. We are confident we can progress these swiftly. We can separately plan and agree a timetable for considering the more substantial changes to the scheme.

Please let us know if and when you would propose to submit alternative revisions to your scheme in respect of simple procedure and quorum.

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