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Parliament House  
Edinburgh  
EH1 1RQ

Your reference

Our reference

Date

J Latter

29<sup>th</sup> February 2016

## CONSULTATION ON THE DRAFT SIMPLE PROCEDURE RULES

Dear Sirs,

Zurich Insurance plc (UK Branch)

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By way of introduction, Zurich is one of the world's largest insurance groups and one of the few to operate on a truly global basis. Our mission is to help our customers understand and protect themselves from risk. We have over 60,000 employees serving customers in more than 170 countries worldwide, including 11,000 in the UK. We offer a wide range of general and life insurance products and services for individuals, small businesses, mid-sized and large companies and multinational corporations.

As a leading UK employer's liability insurer in the UK, a major insurance service provider in both private and fleet motor insurance and of risk management and insurance solutions to Britain's public services, we very much welcome the opportunity to respond to the request for submission of views in relation to this consultation.

Zurich supports the creation and maintenance of fair, effective, and efficient procedures which provide a simple route to an equitable resolution for all parties involved within a proportionate and affordable framework.

We also firmly support the 2 key principles of reform as set out in the Scottish Executive report "*Modern Laws for a Modern Scotland – A Report on Civil Justice in Scotland*": **proportionality** – systems and processes that are proportionate to the importance, complexity and monetary value of the issues involved; and, **value for money** – making sure civil justice services are efficient, meet reasonable public expectations, and promote early resolution of disputes.

We would like to be kept informed of any related proposals formed as a result of this consultation and any subsequent amendments to the overall policy direction related to this topic.

I would be happy to discuss any of the above areas further. If the Department of Justice wishes to discuss any aspect in our response, please do not hesitate to contact me.

Yours faithfully

John Latter  
Director of Technical Centre  
UK Claims

## ANNEX B CONSULTATION QUESTIONNAIRE

### Consultation question 1

*Do you have any comments on the approach taken to splitting the Simple Procedure Rules into two sets of rules?*

We support the proposal to split the Simple Procedure Rules into two sets of rules.

### Consultation question 2

*Are you content with the use of the following terms in the rules?*

- *Claim – for a standard simple procedure case*

Content  Not content  No Preference

- *Claimant – for pursuer*

Content  Not content  No Preference

- *Responding party – for defender*

Content  Not content  No Preference

- *Freeze – for sist*

Content  Not content  No Preference

**Consultation question 3**

*Do you have any comments on the approach taken to updating hard to understand terminology in the simple procedure rules?*

Of the examples given, the term “Freeze” is not appropriate as this has an entirely different meaning within the England & Wales jurisdiction. We suggest using “Stay” as a more appropriate and understandable term.

**Consultation question 4**

*Is there any terminology remaining in the draft simple procedure rules which you think is unfriendly or difficult for the lay user to understand and, if so, what alternatives would you suggest?*

Yes

No

No comment

**Consultation question 5**

*Do you have any comments about the approach taken to the numbering and layout of the rules?*

No comment

**Consultation question 6**

*Do you have any comments about how, and where, the rules should be presented on the internet?*

The proposals in paragraph 39 are agreed.

**Consultation question 7**

*Do you have any comments on the approach to headings in the Rules?*

We agree with the proposed approach on a question and answer basis.

**Consultation question 8**

*Do you have any comments on the approach taken to minimising the number of hearings?*

We agree with the approach suggested which will be most effective if applied consistently.

**Consultation question 9**

*Do you have any comments on the approach taken to alternative dispute resolution in the rules?*

We agree that parties should have access to this facility and be encouraged to resolve issues by negotiation throughout the process.

**Consultation question 10**

*Do you have any comments on the proposed principles of simple procedure as set out in Part 1 Rules 2.1 – 2.5?*

We support the principles proposed as set out in Part 1 Rules 2.1 - 2.5, encouraging resolution of cases as quickly and cheaply as possible with minimal use of hearings.

**Consultation question 11**

*Do you have any comments on the proposed duties on sheriffs, parties and representatives?*

We support the proposed duties for sheriffs, parties and representatives as laid down.

**Consultation question 12**

*Do you have any other comments on the approach taken in Part 1: The simple procedure?*

No comment

**Consultation question 13**

*Do you have any comments on the approach taken in Part 2: Representation and support?*

No comment

**Consultation question 14**

*Do you have any comments on the proposed timetable for raising a simple procedure claim?*

We have no issues in relation to the time frames specified but believe it would help to specify whether or not it is "calendar days" and have the timetable set out in table format with associated timeframes for ease of understanding for party litigants

**Consultation question 15**

*Do you have any other comments on approach taken in Part 3: Making a claim?*

No comment

**Consultation question 16**

*Do you have any comments on the flowchart (at Part 4 Rule 2.4) setting out the options available to the responding party when responding to a claim?*

No comment

**Consultation question 17**

*Do you have any other comments on the approach taken in Part 4: Responding to a claim?*

No comment

**Consultation question 18**

*Do you have any comments on the approach taken in Part 5: Sending and service?*

No comment

**Consultation question 19**

*Do you have any comments on the proposed procedures for settlement and for undefended actions?*

No comment



**Consultation question 20**

*Do you have any comments on the proposed model for case management conferences?*

No comment

**Consultation question 21**

*Do you have any other comments on the approach taken in Part 6: The first consideration of a case?*

No comment

**Consultation question 22**

*Do you have any comments on the approach taken in Part 7: Orders of the sheriff?*

No comment

**Consultation question 23**

*Do you have any comments on the proposed model for freezing and unfreezing cases?*

We believe it would be appropriate to use different terminology other than "Freeze" which has a different meaning within England and Wales legal terminology

**Consultation question 24**

*Do you have any other comments on the approach taken in Part 8: Applications by the parties?*

No comment

**Consultation question 25**

*Do you have any comments on the approach taken in Part 9: Documents and other evidence?*

No comment

**Consultation question 26**

*Do you have any comments on the approach taken in Part 10: Witnesses?*

No comment

**Consultation question 27**

*Do you have any comments on whether the detailed provisions on documents, evidence and witnesses are necessary in the Simple Procedure Rules?*

No comment

**Consultation question 28**

*If you think that any of this provision could be dispensed with (or any additional provision is necessary), please identify that provision.*

No comment

**Consultation question 29**

*Do you have any comments on the approach taken in Part 11: The hearing?*

We understand and support the proposals regarding "The Hearing"

**Consultation question 30**

*Do you have any comments on the approach taken in Part 12: The decision?*

We understand and support the proposals regarding "The Decision"

**Consultation question 31**

*Do you have any comments on the approach taken in Part 13: Other matters?*

No comment

**Consultation question 32**

*Do you have any comments on the approach taken in Part 14: Appeals?*

We understand and support the proposals regarding "Appeals"

**Consultation question 33**

*Do you have any comments on the approach taken in Part 15: Forms?*

We understand and support the proposals regarding "Forms"

**Consultation question 34**

*Do you have any comments on any individual forms?*

No comment

**Consultation question 35**

*Do you have any comments on the proposal to include standard orders in the rules?*

We believe the use or availability of standard orders is sensible and we have no further comment.

**Consultation question 36**

*Do you have any comments on the terms of the standard orders included in the draft rules?*

No comment

**Consultation question 37**

*Do you have any comments on the approach taken in Part 17?*

No further comment in relation to Part 17

**Consultation question 38**

*Do you have any other comments on the draft Simple Procedure Rules?*

No comment