

Group Procedure Working Group

Membership

The members of the working group are:

Judiciary	Lord Ericht (Chair)
Council Members	Fiona Drysdale KC , Nicola Irvine , Thomas Docherty , Denise Swanson
Committee Members	Stewart Mullen (<i>Costs and Funding Committee</i>)
Officials	Ian Dickson (<i>Scottish Legal Aid Board</i>) Chris Fyffe (<i>Court of Session</i>) Katy Kelman (<i>LPPO</i>)
Academic	Professor Rachael Mulheron KC (Hon)

Remit

The working group's remit is:

“To consider the secondary legislation and other matters required to facilitate a full implementation of Part 4 (Group Proceedings) of the Civil Litigation (Expenses & Group Proceedings) (Scotland) Act 2018;

To consider the learning from the existing rules in use; including whether to extend RCS Chapter 26A to cover the “opt out” option.

To propose any necessary amendments to that existing Group Procedure.

Some of the policy matters to be considered include:

- Whether to include petitions for Judicial Review;
- Whether a pre action protocol (PAP) would assist;
- Whether the timescales set are reasonable;
- Whether the recovery of expenses under the Taxation of Judicial Expenses Rules 2019 needs to be adjusted; and
- The implications for sheriff court actions.

Meetings

The quorum is 6 members including the chair. Papers to be circulated at least 7 days in advance. Any member unable to attend is to provide written views in advance.

March 2025