



Scottish  
Civil Justice  
Council

## RESPONDENT INFORMATION FORM

For the call for evidence on group procedure.

Please note **this form must be completed** and returned with your response.

### Are you responding as an individual or an organisation?

☐ INDIVIDUAL

☐ ORGANISATION

### Your details:

Your full name or your organisation's name:

Phone number:

Address:

Postcode:

Email Address:

### Your views on the publication of your response

Please indicate your preferences with regard to the publication of your response:

☐ Publish response with name

☐ Publish response only (without name)

☐ Do not publish response



## **Providing your response**

If you have chosen to provide a separate written response, then please complete the first page of this Respondent Information Form and attach it to your response.

If you wish to include your responses within this Respondent Information Form, please insert your responses to each consultation question in the (expandable) boxes below:

### **General Questions**

**Question 1 – What are your views on the introduction of opt-out group proceedings in accordance with Part 4 of the Act?**

**Question 2 – Are there areas of litigation which should be exempted from opt-out group proceedings, in your view?**



**Question 3 – Should group procedure (whether opt-in or opt-out) apply to judicial reviews in Scotland?**

**Questions of procedure**

**Question 4 – How should court procedures for opt-out proceedings differ from those which already apply to opt-in actions?**



**Question 5 - How do you think the certification process for opt-out group proceedings should operate?**

**Question 6 - What procedural steps are required to protect the rights of the group members in opt-out group proceedings (many of whom may not know that they are part of group proceedings)?**



**Question 7 – Are there any particular measures that should apply to opt-out group procedure for the protection of defenders or respondents, in your view. (e.g. in relation to the ability of a group representative to meet adverse awards of expenses)**

**Question 8 - Should pre-action protocols be a requirement in group proceedings in Scotland (opt-in or opt-out). If so, should these be voluntary or compulsory, and what should happen if they are not complied with?**



**Questions about settlement and distribution**

**Question 9 – If the case is resolved by a decision of the court, what role should the court have in approving the distribution of the award?**

**Question 10 – If the case is resolved by a settlement, what role should the court have in approving the settlement amount and its distribution?**

**Question 11 - Do you have any views on how unclaimed damages awards or settlement sums should be distributed?**



**Questions about funding**

**Question 12 – What do you regard as being the main issues for the funding of group proceedings in Scotland (whether opt-in or opt-out)?**

**Question 13 - How do you think that opt-out group proceedings should be funded and what protection measures should be put in place for group members regarding those funding arrangements, in your view?**



**Question 14 - What are your views on disclosure of funding arrangements and confidentiality around funding documents which are lodged with the court (whether opt-out or opt-in)?**

**Questions about expenses**

**Question 15 - Do you have any views on whether there should be changes to the Taxation of Judicial Expenses Rules 2019 for group proceedings (opt-in or opt-out)?**



**General questions**

**Question 16 - Are there any aspects of substantive law which could be a barrier to group proceedings working effectively?**

**Question 17 - Are there any other points which you feel are relevant to:**

- The procedures relating to the current opt-in regime; or
- May inform and shape a potential opt-out regime in Scotland?