

## PERSONAL INJURY COMMITTEE: ACTIVITY REPORT

### Purpose

1. To update the Council on activities undertaken by the Personal Injury Committee (PIC) since the Council's last meeting and to give an indication of potential future business.

### Background

2. The PIC held its third meeting on 3 February 2014.

### Discussion

3. The PIC is currently giving consideration to the following matters:

#### *Recovery of Documents*

The Committee proposed an amendment of the Summary Cause Rules relating to the procedure for recovery of documentation in personal injury actions. This follows related amendments to the Rules of the Court of Session and Ordinary Cause Rules. An instrument and paper covering the PIC's proposed amendments are before the Council at Item 6.3

#### *Information Gathering Exercise on Pre-Action Protocols*

Following guidance provided to the PIC from the Council (at its meeting of 13 January 2014) the PIC is undertaking an information and evidence gathering exercise on the use of pre-action protocols in Scotland. It is proposed to issue a questionnaire to a targeted range of stakeholders with a view to considering findings over the summer 2014.

*Scottish Government Response to the Civil Law of Damages: Issues in Personal Injury Consultation*

The PIC has considered the Scottish Government's formal response to the consultation on the Civil Law of Damages: Issues in Personal Injury. The Committee's report to the SCJC is before the Council at Item 6.5.

The Committee noted that while its remit included making recommendations to the SCJC as to policy it had reservations about providing policy views on the Government Response in the absence of detailed draft provisions.

*Miscellaneous amendments to PI Rules*

The PIC proposed an amendment to Chapter 43 of the Rules of the Court of Session by removing a superfluous reference to the discretionary power to put cases out by-order where there is a late record and the removal of the word "special" from the test contained in rule 43.8(2)(b). Similar amendments to the Ordinary and Summary Cause Rules were also proposed. An instrument and paper covering the PIC's proposed amendments are before the Council at Item 6.3

## **Recommendation**

### **4. The Council is invited to note:**

- **the activity of the ICT Committee since the Council's last meeting**
- **the potential future business of the Committee.**