



Scottish
Civil Justice
Council

RESPONDENT INFORMATION FORM

For the PUBLIC CONSULTATION on extending the availability of PEOS

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☐ Do not publish response

Respondent Information Form

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:

Section 4 - Extending PEOs to the Sheriff Courts:

Question 1 – Do you agree that the ability to seek a PEO should now be extended to the sheriff court for the summary applications that can arise under the Environmental Protection Act 1990? If not why not?

Question 2 – Do you have any concerns or suggested changes to the wording of the proposed cost protection rules as set out in the new Part LV of the Summary Application Rules?

Question 3 – Other than summary applications; are there other types of actions raised within the sheriff court where you think lodging a motion for an *Environmental PEO* should be an option? If so please provide examples?

Section 5 - Extending PEOs to the Sheriff Appeal Court:

Question 4 – Do you agree that the ability to seek a PEO afresh, or to have one carried forward, should be extended to the Sheriff Appeal Court? If not why not?

Question 5 – Do you have any concerns or suggested changes to the wording of the proposed rules as set out in the new SAC Chapter 28A?

Section 6 - Amending PEOs in the Court of Session:

Question 6 – do you agree that the current ability to seek a PEO within the Court of Session should also be available to a multiparty action initiated under Group Procedure? If not why not?

Section 7 – The potential future rule changes:

Question 7 – do you have a view on whether rule 58A.7 should continue to support the court increasing the caps upwards by exception, or whether that reference to “on cause shown” should be deleted so that this rule reverts to using “fixed maximum sums”?

Question 8 - do you have a view on whether rule 58A.5 should continue to require applicants to provide information on the terms on which they are legally represented, or whether section (3) (a) (ii) should be withdrawn?

Question 9 - do you have a view on whether rule 58A.5 should continue to require applicants to provide an estimate of the likely expenses that could be awarded against them, or whether section (3) (a) (iv) should be withdrawn?

Question 10 – Do you have any other suggested improvements regarding the PEO Rules, over and above those already raised directly with the Council or indirectly via the compliance committee?

Section 8 - Confirming the 3 amendments made in 2024:

Question 11 – do you agree with the rule change made that makes provision for confidentiality to be sought within a motion for a PEO?

Question 12 – do you agree with the rule change made that supports carrying a PEO over on appeal in the same manner regardless of who is appealing?

Question 13 – do you agree that it is useful for rule 58A.10 to replicate the information from case precedent regarding intervener’s expenses?