



Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018

2018 asp 10

PART 4

GROUP PROCEEDINGS

20 Group proceedings

- (1) There is to be a form of procedure in the Court of Session known as “group procedure”, and proceedings subject to that procedure are to be known as “group proceedings”.
- (2) A person (a “representative party”) may bring group proceedings on behalf of two or more persons (a “group”) each of whom has a separate claim which may be the subject of civil proceedings.
- (3) A person may be a representative party in group proceedings—
 - (a) whether or not the person is a member of the group on whose behalf the proceedings are brought,
 - (b) only if so authorised by the Court.
- (4) There is to be no more than one representative party in group proceedings.
- (5) Group proceedings may be brought only with the permission of the Court.
- (6) The Court may give permission—
 - (a) only if it considers that all of the claims made in the proceedings raise issues (whether of fact or law) which are the same as, or similar or related to, each other,
 - (b) only if it is satisfied that the representative party has made all reasonable efforts to identify and notify all potential members of the group about the proceedings, and
 - (c) in accordance with provision made in an act of sederunt under section 21(1).
- (7) An act of sederunt under section 21(1) may provide for group proceedings to be brought as—
 - (a) opt-in proceedings,

- (b) opt-out proceedings, or
 - (c) either opt-in proceedings or opt-out proceedings.
- (8) In subsection (7)—
 - (a) “opt-in proceedings” are group proceedings which are brought with the express consent of each member of the group on whose behalf they are brought,
 - (b) “opt-out proceedings” are group proceedings which are brought on behalf of a group, each member of which has a claim which is of a description specified by the Court as being eligible to be brought in the proceedings and—
 - (i) is domiciled in Scotland and has not given notice that the member does not consent to the claim being brought in the proceedings, or
 - (ii) is not domiciled in Scotland and has given express consent to the claim being brought in the proceedings.
- (9) In group proceedings, the representative party may—
 - (a) make claims on behalf of the members of the group,
 - (b) subject to provision made in an act of sederunt under section 21(1), do anything else in relation to those claims that the members would have been able to do had the members made the claims in other civil proceedings.
- (10) Section 11 of the Court of Session Act 1988 (jury actions) does not apply to group proceedings.