
EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of these Regulations brings into force certain provisions of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (“the 2018 Act”) on 30 January 2019.

Sections 4(1) and (2), 5, 6(8), 7(3) and (4) and 22 are commenced on 30 January 2019 as regards regulation making powers of the Scottish Ministers.

Section 12(1), (3) and (4) is commenced on the same date as regards rule making powers of the Court of Session.

Sections 14 to 19 and the schedule are commenced on the same date as regards auditors of court.

Sections 20(7) and (8) and 21 are commenced on the same date as regards power to make group procedure rules.

Regulation 3(1) is a saving and transitional provision to continue the governing legislation applicable to the incumbent Auditor of the Court of Session, which is listed in regulation 3(2). Regulation 3(3) disapplies from that office-holder those provisions of the 2018 Act that would be inconsistent with the saved legislation.

Regulations 4 and 5 make similar transitional provision for the auditor of the Sheriff Appeal Court and the auditors of the sheriff court. In the case of regulation 5 and sheriff court auditors, special provision is made to reflect that some of them are employed or may become employed by the Scottish Courts and Tribunals Service, in which case Part 3 of the 2018 Act (auditors of court) should apply fully to them.

Regulation 6 is a transitional provision concerning annual reports about taxations under section 19 of the 2018 Act, reflecting that the Scottish Courts and Tribunals Service will not be in possession of the details of numbers of taxations or fees charged as regards self-employed auditors.

The Bill for the 2018 Act received Royal Assent on 5 June 2018. Sections 24 to 28 came into force on the following day and section 23 came into force on 5 August 2018.