



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

2018 asp 10

PART 4

GROUP PROCEEDINGS

21 Group procedure: rules

- (1) The Court of Session may make provision by act of sederunt about group procedure.
- (2) Without limiting that generality, the power in subsection (1) includes power to make provision for or about—
 - (a) persons who may be authorised to be a representative party,
 - (b) action to be taken by a representative party in connection with group proceedings (whether before or after the proceedings are brought),
 - (c) the means by which a person may—
 - (i) give consent for the person's claim to be brought in group proceedings,
 - (ii) give notice that the person does not consent to the person's claim being brought in group proceedings,
 - (d) types of claim that may not be made in group proceedings,
 - (e) circumstances in which permission to bring group proceedings may be refused,
 - (f) appeals against the granting or refusal of such permission,
 - (g) the disapplication or modification of section 39 of the Courts Reform (Scotland) Act 2014 (exclusive competence of the sheriff court) in relation to group proceedings,
 - (h) the making of an additional claim in group proceedings after the proceedings have been brought (including the transfer of a claim made in other civil proceedings),
 - (i) the exclusion of a claim made in group proceedings from the proceedings (including the transfer of the claim to other civil proceedings),
 - (j) the replacement of a representative party,

- (k) steps that may be taken by a representative party only with the permission of the Court.
- (3) Nothing in an act of sederunt under subsection (1) is to derogate from section 20.
- (4) An act of sederunt under subsection (1) may make—
- (a) incidental, supplementary, consequential, transitional, transitory or saving provision,
 - (b) provision amending, repealing or revoking any enactment relating to matters with respect to which an act of sederunt under subsection (1) may be made,
 - (c) different provision for different purposes.
- (5) This section is without prejudice to—
- (a) any enactment that enables the Court to make rules (by act of sederunt or otherwise) regulating the practice and procedure to be followed in proceedings to which this section applies, or
 - (b) the inherent powers of the Court.
- (6) In subsection (2), “representative party” is to be construed in accordance with section 20(2).