

CIVIL LITIGATION (EXPENSES AND GROUP PROCEEDINGS) (SCOTLAND) ACT 2018

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6: General Provision

Section 24 – Regulations

49. Section 24(1) allows regulations to include ancillary provision and make different provision for different purposes. Subsections (2) to (4) also make provision about the parliamentary procedure which applies to different sets of regulations. It should be noted that this section does not apply to group procedure rules under section 21 because they are in the form of an act of sederunt rather than regulations.

Section 25 – Ancillary provision

50. Section 25 allows the Scottish Ministers, by order, to make “standalone” ancillary provision in relation to the Act or any provision made under it, including in group procedure rules. It should be noted that by virtue of section 24(3) any ancillary provision amending primary legislation will be subject to the affirmative procedure, otherwise ancillary provisions will be subject to the negative procedure.

Section 26 – Meaning of “court”

51. This section provides that, in relation to proceedings in the sheriff court, references to the “court” in Part 2 and elsewhere in the Act include references to a sheriff. This includes the Sheriff Personal Injury Court established by the All-Scotland Sheriff Court (Sheriff Personal Injury Court) Order 2015.

Section 27 – Commencement

52. This section makes provision in relation to the commencement of the Act. It should be noted that by virtue of section 24(4), commencement regulations made by the Scottish Ministers under section 27(3) are subject to the “laid only” procedure. Section 27(2) also indicates that Part 5 (review of operation of Act) commences automatically 2 months following Royal Assent.