
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 125 (C. 9)

**COURT OF SESSION
SHERIFF APPEAL COURT
SHERIFF COURT**

SCOTTISH COURTS AND TRIBUNALS SERVICE

The Civil Litigation (Expenses and Group Proceedings)
(Scotland) Act 2018 (Commencement No. 4
and Transitional Provision) Regulations 2021

<i>Made</i>	- - - -	<i>8th March 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>10th March 2021</i>
<i>Coming into force</i>	- -	<i>30th June 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 27(3) and (4) of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018⁽¹⁾.

Citation and commencement

1. These Regulations may be cited as the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (Commencement No. 4 and Transitional Provision) Regulations 2021 and come into force on 30 June 2021.

Appointed day

2. 30 June 2021 is the day appointed for the coming into force of the following provisions of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018—

- (a) section 8 (restriction on pursuer’s liability for expenses in personal injury claims),
- (b) section 12(2) (minor and consequential modifications of the Courts Reform (Scotland) Act 2014), and
- (c) section 13 (meaning of “legal representative”).

(1) 2018 asp 10.

Transitional provision

3.—(1) The provisions listed in regulation 2 apply to claims commenced on or after 30 June 2021, and to proceedings arising from those claims.

(2) Where a claim has commenced prior to 30 June 2021, the provisions listed in regulation 2—

- (a) apply to proceedings commenced on or after that date,
- (b) do not apply to action taken by the person bringing the claim or their legal representative in connection with the claim before that date.

St Andrew's House,
Edinburgh
8th March 2021

ASH DENHAM
Authorised to sign by the Scottish Ministers

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 June 2021.

Section 8 of the 2018 Act introduces a restriction on the liability for expenses of pursuers in personal injury claims. Section 12(2) aligns the reasonableness test in the Courts Reform (Scotland) Act 2014 for expenses in simple procedure cases with section 8(4)(b) of the 2018 Act. Section 13 defines “legal representative” for the purposes of Part 2 of the 2018 Act.

Regulation 3 is a transitional provision which applies sections 8, 12(2) and 13 to claims or proceedings entered into on or after 30 June 2021. Where proceedings are entered into on or after that date, section 8 of the Act does not apply to any work conducted on the claim in advance of proceedings being commenced.

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.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 have been brought into force by commencement regulations made before the date of these Regulations.

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 1	27 April 2020	S.S.I. 2020/23
Section 2	27 April 2020	S.S.I. 2020/23
Section 3	27 April 2020	S.S.I. 2020/23
Section 4(1) and (2)	30 January 2019	S.S.I. 2018/368
Section 4(3) to (5)	27 April 2020	S.S.I. 2020/23
Section 5	30 January 2019	S.S.I. 2018/368
Section 6(1) to (7), (9) and (10)	27 April 2020	S.S.I. 2020/23
Section 6(8)	30 January 2019	S.S.I. 2018/368
Section 7(1) and (2)	27 April 2020	S.S.I. 2020/23
Section 7(3) and (4)	30 January 2019	S.S.I. 2018/368
Section 12(1), (3) and (4)	30 January 2019	S.S.I. 2018/368
Section 14	30 January 2019	S.S.I. 2018/368
Section 15	30 January 2019	S.S.I. 2018/368
Section 16	30 January 2019	S.S.I. 2018/368

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Provision</i>	<i>Date of Commencement</i>	<i>Instrument No.</i>
Section 17	30 January 2019	S.S.I. 2018/368
Section 18	30 January 2019	S.S.I. 2018/368
Section 19	30 January 2019	S.S.I. 2018/368
Section 20(1) to (6), (9) and (10)	31 July 2020	S.S.I. 2020/167
Section 20(7) and (8)	30 January 2019	S.S.I. 2018/368
Section 21	30 January 2019	S.S.I. 2018/368
Section 22	30 January 2019	S.S.I. 2018/368
The schedule	30 January 2019	S.S.I. 2018/368