

# **Report on the Chapter 36 PI Procedures**



**Focusing on the period:  
22nd September 2015 to 29th February 2016**

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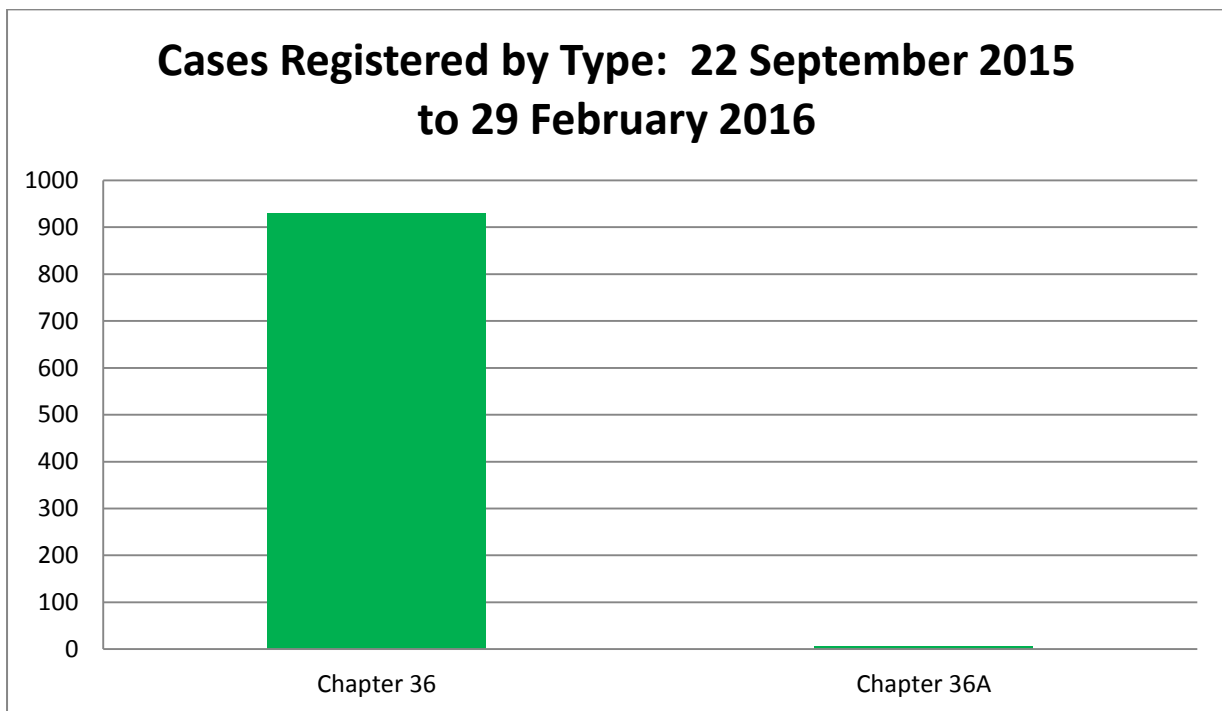
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## Introduction

This is the first report on the Chapter 36 Personal Injury procedures, and will look at the period from 22<sup>nd</sup> September 2015 through to 29<sup>th</sup> February 2016 in detail.

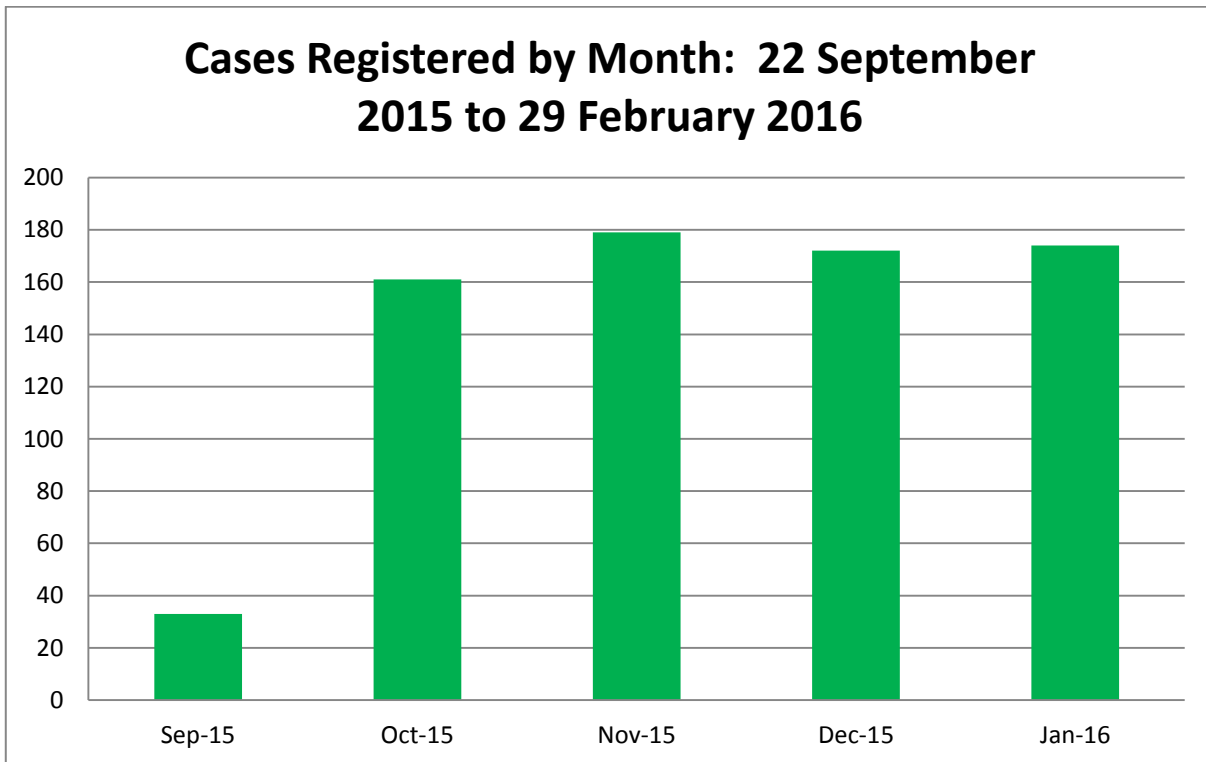
There follows information surrounding areas such as the types of cases which have been registered, sisted most frequently, how many heard motions there have been, the proof allocation level for next year, and how successful the PIAS form, available on the SCTS website, has been.

This report has been compiled by Eilidh Hunter on 3<sup>rd</sup> March 2016.



## Personal Injury Actions raised

22<sup>nd</sup> September 2015 to 29<sup>th</sup> February 2016= 936



Breakdown of actions raised by type	22 <sup>nd</sup> September 2015 to 29 <sup>th</sup> February 2016	%
Accident at Work	367	39.2
Asbestos	37	4.0
Chapter 36A	6	0.6
Clinical Negligence	13	1.4
Live Mesothelioma	0	0
Other	176	18.8
Pleural Plaques	61	6.5
Post Mesothelioma	0	0
Relatives Claim	0	0
Repetitive Strain Injury	0	0
Road Traffic Accident	270	28.8
Vibration White Finger	6	0.6
<b>Total</b>	<b>936</b>	<b>100</b>

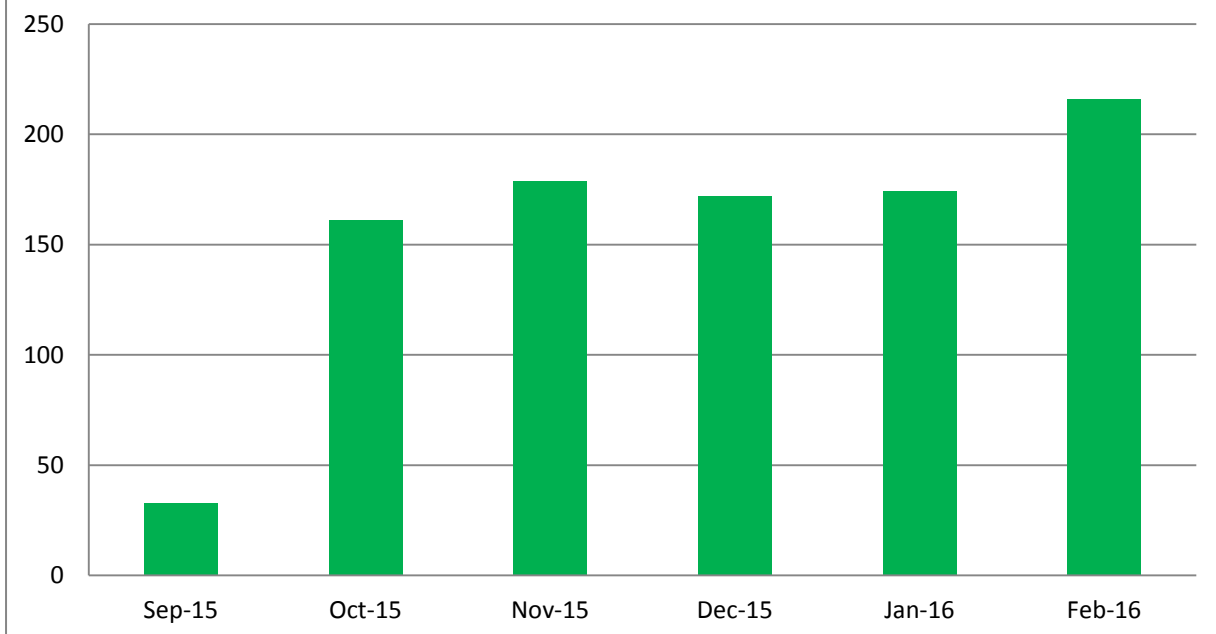
The number of PI cases lodged each month has been increasing month on month; the significantly smaller number for September 2015 is due to the first action only being registered following the establishment of the new court on 22 September 2015.

There was a slight dip in actions registered in December 2015, although this is likely explained by the Christmas and New Year holiday period.

The current average monthly figure is 156.

<b>Actions raised per month</b>	<b>Total</b>
<b>September 2015</b>	<b>33</b>
<b>October 2015</b>	<b>161</b>
<b>November 2015</b>	<b>179</b>
<b>December 2015</b>	<b>172</b>
<b>January 2016</b>	<b>174</b>
<b>February 2016</b>	<b>216</b>

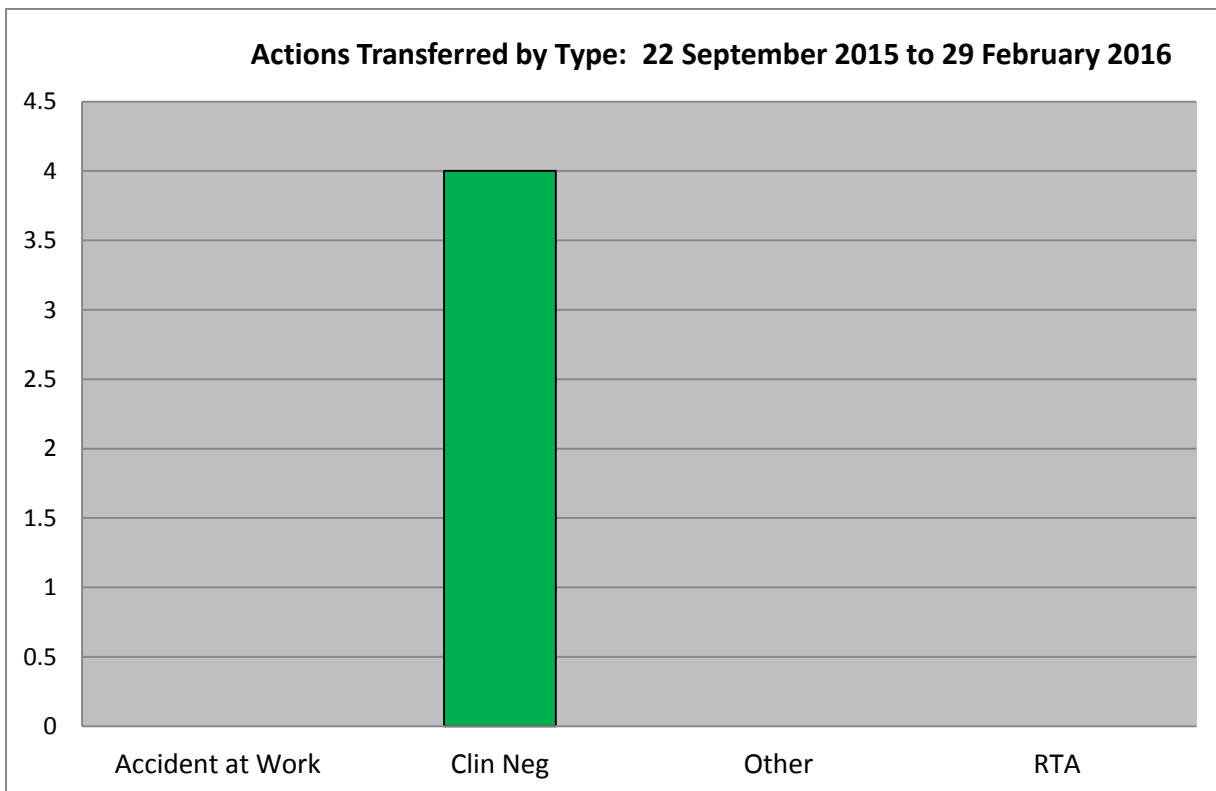
**Cases Registered by Month: 22 September 2015 to 29 February 2016**



## Transfer to Chapter 36A Procedure

Actions transferred to chapter 36A between 22 September 2015 and 29 February 2016 = 4

<b>Breakdown of Actions Transferred</b>	<b>22 September 2015 to 29 February 2016</b>
Accident at Work	0
Clinical Negligence	4
Other	0
RTA	0
<b>Total</b>	<b>4</b>



All 4 actions transferred to chapter 36A were brought in as clinical negligence actions. These tend to involve very complex issues dealing with alleged malpractice or incompetence from medical staff, or feature injuries which are difficult to quantify or evaluate within the time frame of the year-long PI structure.

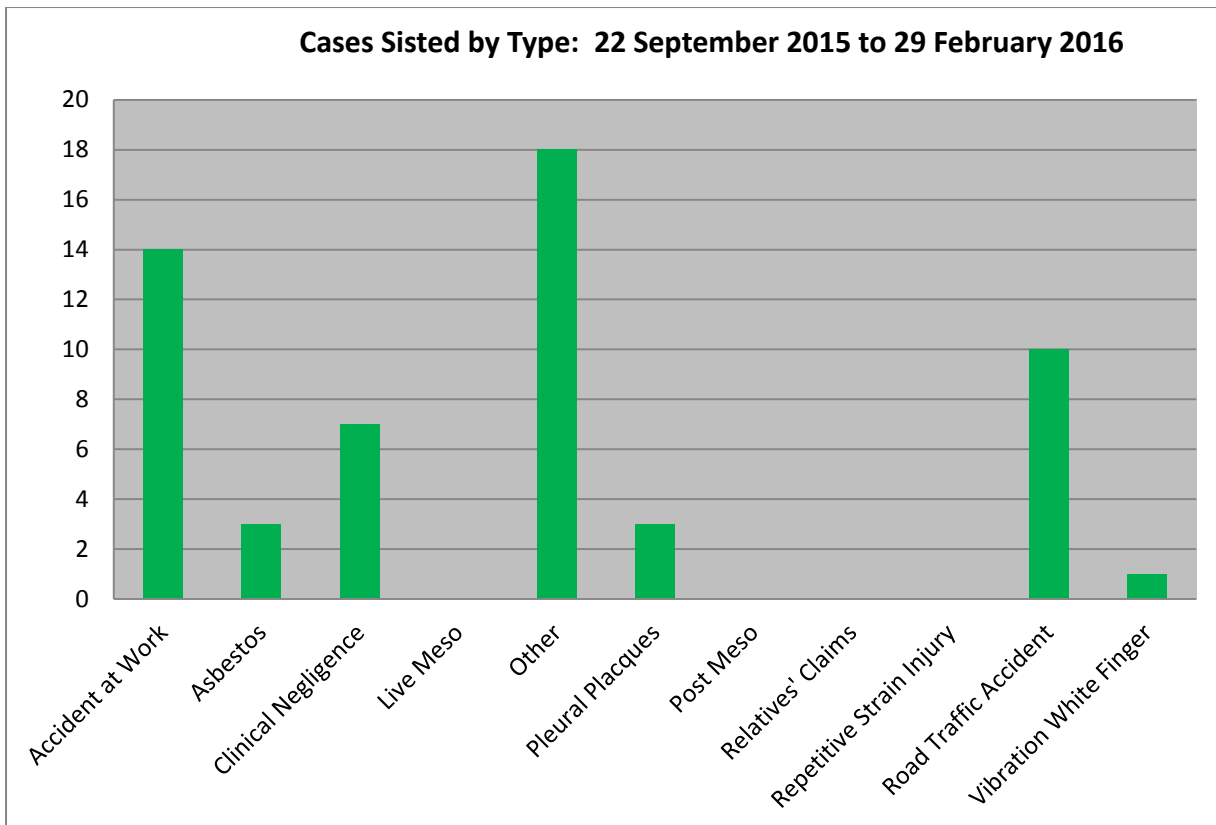
On 22 September 2015, new rules came into force to allow clinical negligence cases to be transferred out at warranting stage (OCR 36.C1). Three actions so far have been presented at warranting stage with requests to remit directly to chapter 36A.

In this reporting period, there have been 7 actions proceeding under chapter 36A, of which 6 are still continuing.

## Actions Sisted

Actions sisted 22<sup>nd</sup> September 2015 to 29<sup>th</sup> February 2016 = 53

Cases sisted per month	Total
September 2015	0
October 2015	2
November 2015	7
December 2015	18
January 2016	8
February 2016	18





## Defences Lodged in PI Cases

Defences Lodged in September 2015 = 0

Defences Lodged in October 2015 = 14

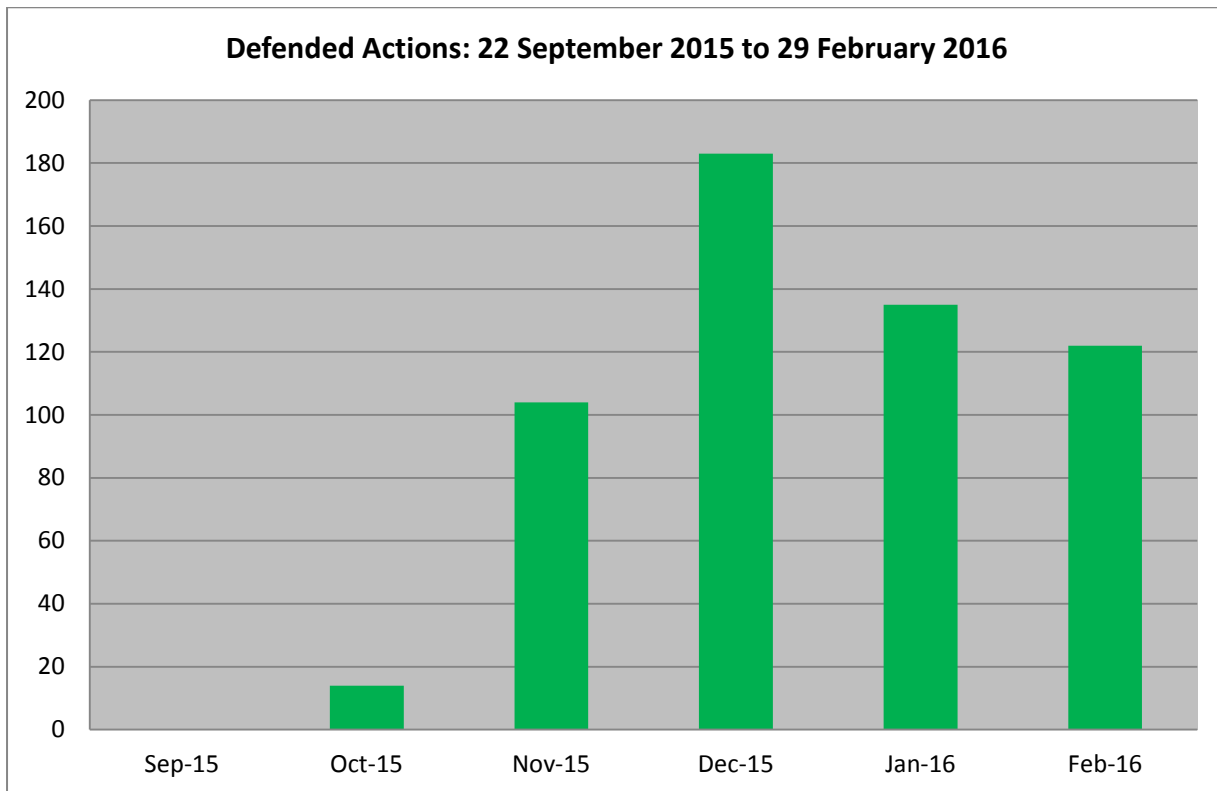
Defences Lodged in November 2015 = 104

Defences Lodged in December 2015 = 183

Defences Lodged in January 2016 = 135

Defences Lodged in February 2016 = 122

On average 93 sets of defences were lodged per month. This means that the proof allocation level of 50 PI proofs per week is currently being met approximately every 2 weeks. It is anticipated that this may change in the next reporting period.



## Finally Disposed Cases

Cases finally disposed of 22 September 2015 to 29 February 2016 = 110

Total cases finally disposed in September 2015	= 0
Total cases finally disposed in October 2015	= 1
Total cases finally disposed in November 2015	= 10
Total cases finally disposed in December 2015	= 18
Total cases finally disposed in January 2016	= 31
Total cases finally disposed in February 2016	= 50

## Motions

Between 22 September 2015 and 29 February 2016, there were 717 motions lodged, of these, 650 were granted on an unopposed basis and 11 required a hearing.

Of the 650 unopposed motions granted, 356 were granted by the sheriff clerk depute and 294 were sent to a sheriff for consideration.

## Timetable Variations

Motions to vary the timetable are unlikely to be refused if the allocated proof date remains unaffected by the variation, so long as sufficient cause shown is provided to the court with the motion.

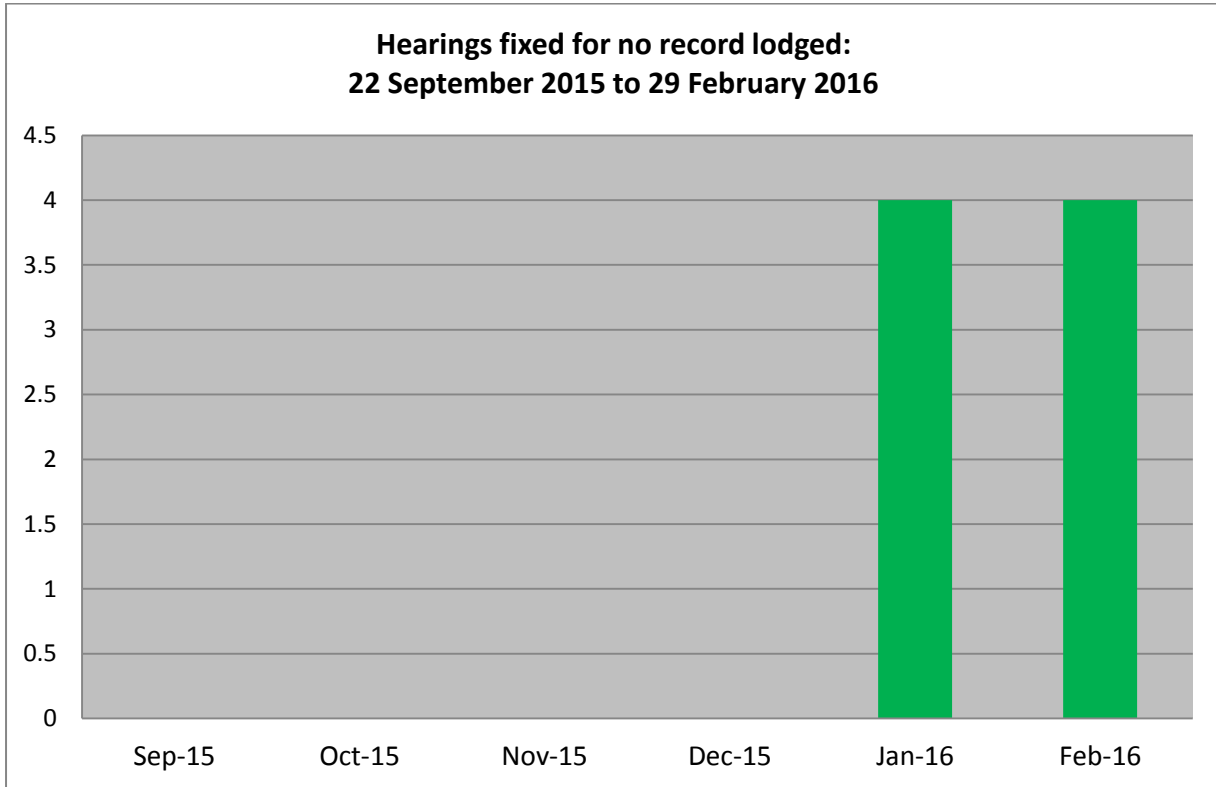
### Monthly Comparisons

Total motions to vary the timetable in September 2015	=
Total motions to vary the timetable in October 2015	=
Total motions to vary the timetable in November 2015	=
Total motions to vary the timetable in December 2015	=
Total motions to vary the timetable in January 2016	=
Total motions to vary the timetable in February 2016	=

In order to record these statistics, an additional set diet/event field is required on CMS for 'variation of timetable'. This will be requested shortly.

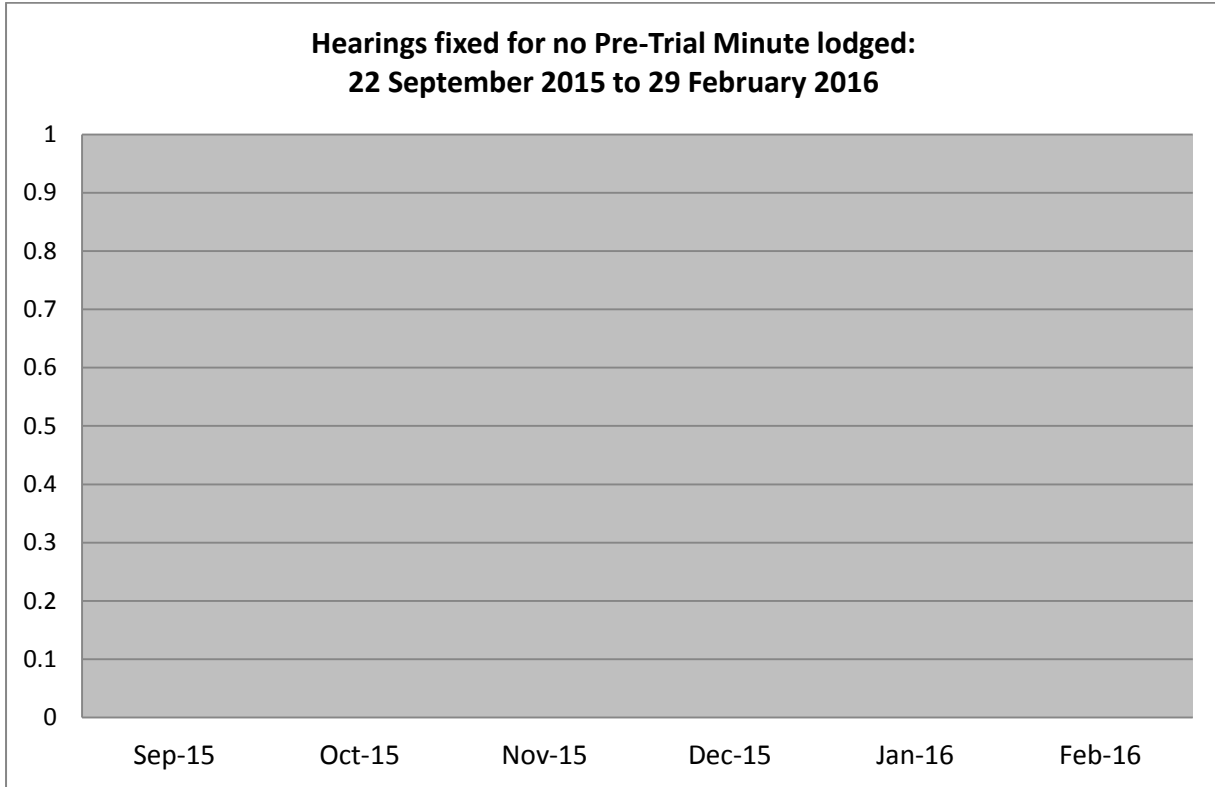
## Hearing – No Open Record Lodged

In the period 22<sup>nd</sup> September 2015 to 29<sup>th</sup> February 2016, 8 hearings were assigned, of which none proceeded.



## Hearing – No Pre-Proof Conference Minute

In the period 22<sup>nd</sup> September 2015 to 29<sup>th</sup> February 2016, no hearings were assigned. The first pre-proof conference/pre-trial minute is due to be lodged on 25<sup>th</sup> May 2016.



## **Proof Allocation**

At the time of this report, the PI Desk is allocating new proofs of 4 days duration for the week commencing 29<sup>th</sup> November 2016, meaning the time between defences and proof is currently 9 months.

## **Number of Jury Trials fixed and proceeded**

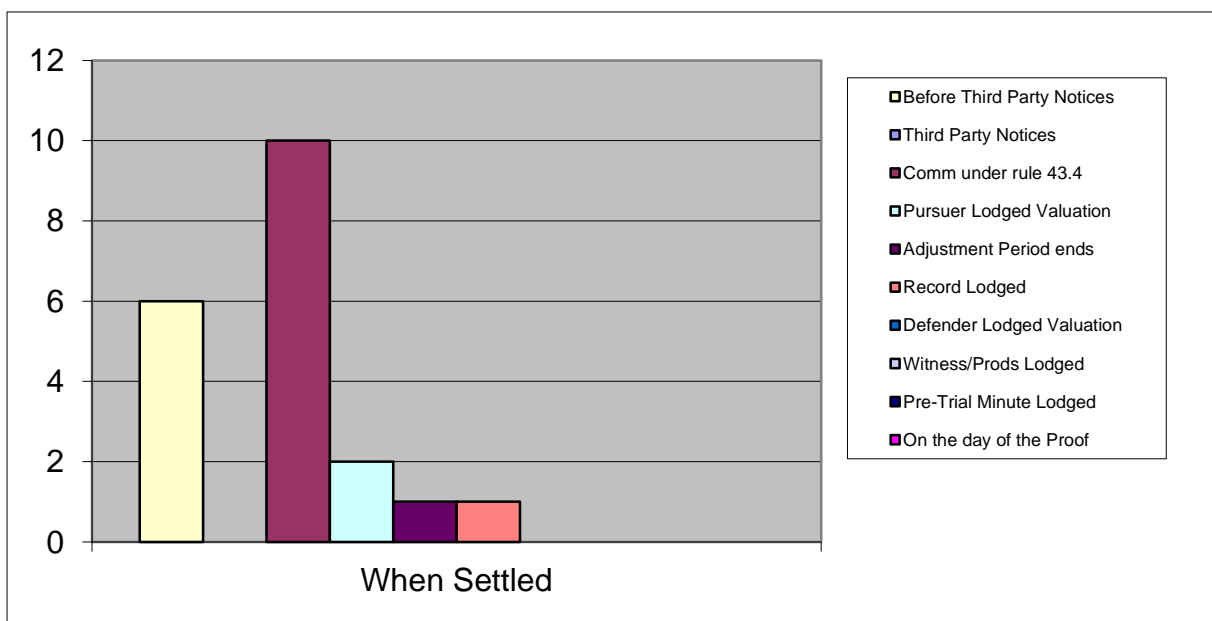
In the current reporting period, there have been no motions enrolled to allow issues. There are therefore no jury trials fixed within the current court calendar.

## Settled Cases

The Personal Injuries Action Settlement (PIAS) Form is available to download from the All-Scotland Sheriff PI Court page on the SCTS website. Agents are advised to submit the form to the Personal Injuries team in the Civil Office by email. The form is then lodged in process and an interlocutor issued either appointing parties to lodge a joint minute within 28 days, or fixing a hearing on expenses (or other issue as identified by agents). A tracking diet is created on CMS to ensure that actions in which a joint minute is not lodged within the required timeframe are not left to drift.

From 22 September 2015 to 29 February 2016, 20 PIAS forms were lodged. Most sought 28 days in which to lodge a joint minute, were followed up by lodging a joint minute with the relevant motion.

The graph below shows the various points at which cases settled during this period.



## Frequently Asked Questions / Problems Arising

Nothing.