

FORM 26A.16

Rule 26A.16(2)

Group proceedings under section 20(7)(a) of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 – Opt-in proceedings – Late application

UNTO THE RIGHT HONOURABLE THE LORDS OF COUNCIL AND SESSION

in the cause (Cause Reference No.)

The application of [A.B.] (*full name, designation and address*), Representative Party, on behalf of [E.F.] (*full name, designation and address*) for their claim to be brought in the group proceedings, although late

IN THE COURT OF SESSION

GROUP PROCEEDINGS BROUGHT

under Part 4 of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018

by

[A.B.] (*full name, designation and address*), Representative Party, on behalf of [E.F.] (*full name, designation and address*)

Representative Party for Pursuers

against

[C.D.] (*full name[s], designation[s] and address[es]*)

Defender[s]

HUMBLY SHEWETH:-

1. I, [A.B.] (*insert full name, designation and address*), Representative Party, have brought group proceedings on behalf of (*insert details, in brief, of the group of two or more persons*), each of whom has a separate claim which may be the subject of civil proceedings.
2. A proof was allowed in the group proceedings on (*insert date on which proof was allowed*).

3. I, [A.B.] (*insert full name*), Representative Party, received notice in Form 26A.14-A from [E.F.] (*insert full name, designation and address*) on (*insert date*). [A.B.], (*insert full name*), Representative Party, applies to the court on behalf of [E.F.] (*insert full name*) seeking authorisation for [E.F.]'s (*insert full name*) claim to be brought in the group proceedings, although late.
4. The reason[s] why [E.F.] (*insert full name*) did not opt into the group proceedings before the allowance of proof in the proceedings is [are] as follows:—

(insert reason[s], in full as to why no application to opt-in to the group proceedings was made by E.F. before now and provide arguments, in full, as to why it is reasonable for E.F. to be authorised by the court to be a group member in the proceedings despite the late stage in the proceedings of this application.)
5. I, [A.B.] (*insert full name*), Representative Party, certify that no claims have been settled judicially or non-judicially, in respect of [E.F.]'s (*insert full name*) claim (whether of fact or law).
6. I, [A.B.] (*insert full name*), certify that the group proceedings are brought within the statutory limitation period in respect of [E.F.]'s (*insert full name*) claim.
7. I, [A.B.] (*insert full name*), certify that the Court of Session is the appropriate forum for [E.F.]'s (*insert full name*) claim to be brought in the group proceedings.

MAY IT THEREFORE please your Lordships
to make an order authorising [E.F.] to be a
group member in the group proceedings

According to Justice, etc.

(Signed)

Solicitor [*or Agent*] for Representative Party

(Date)