

Form 26A.5

Rule 26A.5(1)

Form of application under section 20(3)(b) of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 seeking authorisation to be a representative party

UNTO THE RIGHT HONOURABLE THE LORDS OF COUNCIL AND SESSION

IN THE COURT OF SESSION

APPLICATION

for

AUTHORISATION TO BE A REPRESENTATIVE PARTY

under section 20(3)(b) of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018

by

[A.B.], [Representative Party] (*full name, designation and address*)

Applicant

HUMBLY SHEWETH:-

1. The applicant, (*insert full name, designation and address of the applicant*), applies under section 20(3)(b) of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (“the Act”) for authorisation by the court to be a representative party to bring 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. The applicant [*is a member of the group of persons on whose behalf proceedings are to be brought*] [*is not a member of the group of persons on whose behalf proceedings are to be brought*]. [*In the event that the applicant is not a member of the group on whose behalf proceedings are to be brought*] The applicant is (*insert the capacity in which the applicant is applying to be a representative party*).]
3. A description of the group of persons on whose behalf proceedings are to be brought is as follows:—

(insert a full and detailed description of the group of persons on whose behalf group proceedings are to be brought).

4. The steps taken by the applicant to identify and notify all potential members of the group about the group proceedings are as follows:—

(insert a statement setting out all the efforts made by the applicant to identify and notify all potential members of the group about the proceedings).

5. The applicant is [*an appropriate person who*] [*a body which*] can fairly and adequately represent the interests of the group, should authorisation under section 20(3)(b) of the Act be given by the court for the following reasons:—

(insert a full and detailed note to include the following:—

the special abilities and relevant expertise of the applicant;

the applicant's own interest in the proceedings;

whether there would be any potential benefit to the applicant, financial or otherwise, should the application be authorised;

confirmation that the applicant is independent from the defender;

a demonstration that the applicant would act fairly and adequately in the interests of the group members as a whole, and that the applicant's own interests do not conflict with those of the group whom the applicant seeks to represent;

a demonstration of sufficient competence by the applicant, including financial resources, to litigate the claims properly, and to meet any expenses awards (the details of funding arrangements do not require to be disclosed)).

6. The applicant [*has*] [*has not*] previously applied to the court for such authorisation relating, to any extent, to the same matter. [*(Where any such previous application has been made, insert details (including, in particular, the outcome of such application)).*]

MAY IT THEREFORE please your
Lordships to make an order authorising
[A.B.] to be a Representative Party

According to Justice, etc.

(Signed)

Applicant

[*or Solicitor [or Agent] for [Applicant]*]

(Date)