

FORM 26A.9

Rule 26A.9(1)

Form of application under section 20(5) of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 for permission for group proceedings to be brought

UNTO THE RIGHT HONOURABLE THE LORDS OF COUNCIL AND SESSION

IN THE COURT OF SESSION

APPLICATION

for

PERMISSION FOR GROUP PROCEEDINGS TO BE BROUGHT

under section 20(5) of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018

by

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

Applicant

against

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

Defender[s]

1. [A.B.], *[Representative Party]*, (insert full name, designation and address of the applicant) applies for permission for group proceedings (within the meaning given in section 20(1) of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (“the Act”)) to be brought 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 [has applied for authorisation by the court to be a representative party (within the meaning of section 20(2) of the Act)] [is a representative party (within the meaning of section 20(2) of the Act)].
3. 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).]
4. [The lead pursuer, if any, in the group proceedings is (insert full name, designation and address of the lead pursuer, if there is one).]

5. The defender[s] in the group proceedings is [are] (*insert full name[s] and address[es] of the defender[s]*).

6. The grounds on which the applicant seeks permission for group proceedings to be brought are as follows:—

(set out the grounds in numbered paragraphs, to include the information set out below:—

confirmation that all the claims made in the proceedings raise issues (whether of fact or law) that are the same as, or similar or related to, each other, and provide a detailed summary of the issues;

the steps taken by the applicant to identify and notify all potential members of the group about the proceedings;

demonstration that there is a prima facie case;

demonstration that it is a more efficient administration of justice for the claims to be brought as group proceedings rather than as separate individual proceedings;

demonstration that the proposed proceedings have any real prospects of success;

the number and nature of any proceedings relating to the same matter as the application for permission which have already been raised, if applicable, failing which confirmation that no such proceedings have been raised;

the number of parties, including the number of group members, that are likely to be involved in the proceedings;

the aggregate total value of the claims;

confirmation as to whether there are any matters that distinguish smaller groups of claims within the wider group and, if so, a note of such matters.).

8. A list of persons who have consented to being members of the group on whose behalf group proceedings are proposed to be brought is attached (*attach a list of persons who have consented to being members of the group on whose behalf group proceedings are proposed to be brought*).

(Signed)

Solicitor [*or Agent*] for [A.B.],
Applicant [Representative Party]

(Date)