



John Mulholland
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13 May 2020

Dear John,

QUALIFIED ONE WAY COSTS SHIFTING

I thank you for your letter of 5th of May 2020 regarding the implementation of section 8 the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018.

I am acutely aware of the valid concerns that you have raised. Work to deliver the rules to implement Qualified One Way Cost Shifting is progressing. It is a priority for the Scottish Civil Justice Council that these rules be promulgated as soon as possible. The SCJC's Cost and Funding Committee will be considering draft rules by the end of this month. Providing there are no substantive changes needed, once the rules are approved by the Committee, they will be presented to the SCJC for approval by the end of the summer. The Scottish Courts and Tribunals Service usually requests up to 3 months to achieve operational readiness, I anticipate therefore, that the new rules would then be in force no later than winter 2020.

The Cost and Funding Committee had previously approved draft rules in 2019. However further drafting amendments were identified at a later stage. A decision was taken that the revised rules would need to go back to the Committee for re-approval. This has led to a delay in delivery to ensure that the rules will work effectively.

Should you require any further information, the Council's secretariat will be happy to take this up with you or your official. They can be contacted on scjc@scotcourts.gov.uk

*Yours
Yv
Chri*