

The Rt Hon Lord Carloway

Lord President

5 May 2020

Your Lordship,

Qualified One Way Costs Shifting

With the introduction of the Success Fee Agreement regulations only a week away, a number of experienced Personal Injury Practitioners have approached the Law Society to express some concern that there has been no indication as to when Qualified One Way Cost Shifting is to be introduced.

I understand that the necessary Rules of Court are in the process of being finalised to then allow the Act of Sederunt (Rules of the Court of Session, Sheriff Appeal Court Rules, Ordinary Cause Rules and Summary Cause Rules Amendment) (Qualified one Way Costs Shifting) 2019 to be laid before Parliament.

Practitioners have been voicing concerns to the Law Society that one of the principal reasons for the introduction of QOCS, namely improving Access to Justice for those who have suffered personal injury, is taking longer to address than is necessary.

I would be very grateful if you could offer some clarification as to the timescale which the Scottish Civil Justice Council are working to for having the rules finalised in order that we can update our members on a realistic timeframe for QOCS introduction. Any assistance you can provide to influence the process and speed up the introduction of the rules and regulations would be very greatly appreciated.

Yours sincerely

A handwritten signature in black ink, appearing to read "John Mulholland", with a long horizontal flourish extending to the right.

John Mulholland
Law Society of Scotland President