

ANNEX A RESPONDENT INFORMATION FORM

Please note this form **must** be returned with your response to ensure that we handle your response appropriately.

Name/Organisation

Aviva Insurance Ltd

Title *(Please tick as appropriate)*

1.

Mr Ms Mrs Miss Dr

Other *Please state:*

Surname

Rogerson

Forename

Alan

2. Postal Address

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Permissions

I am responding as an:

Individual (complete section (a)) Group/Organisation (complete section (b))

INDIVIDUALS

(a) If responding as an **individual**:

(i) Do you agree to your response being made available to the public (on the Scottish Civil Justice Council website)? (Please tick as appropriate)

Yes No

(ii) If you are content for your response to be published, please tell us how you wish us to make your response available to the public:

Please tick ONE of the following boxes:

Make my response, name and address all available

Make my response available, but not my name and address

Make my response and name available, but not my address

ORGANISATIONS

(b) If responding as a **group or organisation**:

(i) The name and address of your organisation will be made available to the public on the Scottish Civil Justice Council website. Are you content for your response to be made available?

Yes No

ANNEX B CONSULTATION QUESTIONNAIRE

Consultation question 1

Do you have any comments on the approach taken to splitting the Simple Procedure Rules into two sets of rules?

Comments This approach seems entirely sensible

Consultation question 2

Are you content with the use of the following terms in the rules?

- *Claim* – for a standard simple procedure case

Content Not content No Preference

- *Claimant* – for pursuer

Content Not content No Preference

- *Responding party* – for defender

Content Not content No Preference

- *Freeze* – for sist

Content Not content No Preference

Consultation question 3

Do you have any comments on the approach taken to updating hard to understand terminology in the simple procedure rules?

Comments

The term 'freeze' may be confusing as a freezing order has an entirely different meaning in England and Wales. 'sist' is not a readily understandable term for the public at large so that may not be suitable either.

Perhaps, consideration could be given to using the term 'stay' instead? (as in a 'stay' in proceedings)

Consultation question 4

Is there any terminology remaining in the draft simple procedure rules which you think is unfriendly or difficult for the lay user to understand and, if so, what alternatives would you suggest?

Yes No

Comments

No further comment to add

Consultation question 5

Do you have any comments about the approach taken to the numbering and layout of the rules?

Comments No further comment to add

Consultation question 6

Do you have any comments about how, and where, the rules should be presented on the internet?

Comments We agree with the proposals as set out at paragraph 39 of the consultation
--

Consultation question 7

Do you have any comments on the approach to headings in the Rules?

Comments We agree with the approach taken
--

Consultation question 8

Do you have any comments on the approach taken to minimising the number of hearings?

Comments We agree with the approach taken
--

Consultation question 9

Do you have any comments on the approach taken to alternative dispute resolution in the rules?

Comments No further comment to add

Consultation question 10

Do you have any comments on the proposed principles of simple procedure as set out in Part 1 Rules 2.1 – 2.5?

Comments No further comment to add

Consultation question 11

Do you have any comments on the proposed duties on sheriffs, parties and representatives?

Comments We agree with the approach taken
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Consultation question 12

Do you have any other comments on the approach taken in Part 1: The simple procedure?

Comments No further comment to add

Consultation question 13

Do you have any comments on the approach taken in Part 2: Representation and support?

Comments No further comment to add

Consultation question 14

Do you have any comments on the proposed timetable for raising a simple procedure claim?

Comments It may be worthwhile specifying the number of days is calendar days for absolute clarity
--

Consultation question 15

Do you have any other comments on approach taken in Part 3: Making a claim?

Comments No further comment to add

Consultation question 16

Do you have any comments on the flowchart (at Part 4 Rule 2.4) setting out the options available to the responding party when responding to a claim?

Comments No further comment to add

Consultation question 17

Do you have any other comments on the approach taken in Part 4: Responding to a claim?

Comments No further comment to add

Consultation question 18

Do you have any comments on the approach taken in Part 5: Sending and service?

Comments No further comment to add

Consultation question 19

Do you have any comments on the proposed procedures for settlement and for undefended actions?

Comments No further comment to add

Consultation question 20

Do you have any comments on the proposed model for case management conferences?

Comments No further comment to add

Consultation question 21

Do you have any other comments on the approach taken in Part 6: The first consideration of a case?

Comments No further comment to add

Consultation question 22

Do you have any comments on the approach taken in Part 7: Orders of the sheriff?

Comments No further comment to add

Consultation question 23

Do you have any comments on the proposed model for freezing and unfreezing cases?

Comments No further comment to add apart from our earlier comment on the terminology of 'freeze'

Consultation question 24

Do you have any other comments on the approach taken in Part 8: Applications by the parties?

Comments No further comment to add

Consultation question 25

Do you have any comments on the approach taken in Part 9: Documents and other evidence?

Comments No further comment to add

Consultation question 26

Do you have any comments on the approach taken in Part 10: Witnesses?

Comments No further comment to add

Consultation question 27

Do you have any comments on whether the detailed provisions on documents, evidence and witnesses are necessary in the Simple Procedure Rules?

Comments No further comment to add

Consultation question 28

If you think that any of this provision could be dispensed with (or any additional provision is necessary), please identify that provision.

Comments No further comment to add

Consultation question 29

Do you have any comments on the approach taken in Part 11: The hearing?

Comments No further comment to add

Consultation question 30

Do you have any comments on the approach taken in Part 12: The decision?

Comments No further comment to add

Consultation question 31

Do you have any comments on the approach taken in Part 13: Other matters?

Comments No further comment to add

Consultation question 32

Do you have any comments on the approach taken in Part 14: Appeals?

Comments No further comment to add

Consultation question 33

Do you have any comments on the approach taken in Part 15: Forms?

Comments No further comment to add

Consultation question 34

Do you have any comments on any individual forms?

Comments No further comment to add

Consultation question 35

Do you have any comments on the proposal to include standard orders in the rules?

Comments No further comment to add

Consultation question 36

Do you have any comments on the terms of the standard orders included in the draft rules?

Comments No further comment to add

Consultation question 37

Do you have any comments on the approach taken in Part 17?

Comments No further comment to add

Consultation question 38

Do you have any other comments on the draft Simple Procedure Rules?

Comments No further comment to add
