

COSTS AND FUNDING COMMITTEE: PROPOSED REMIT

1. The Committee's remit shall be to consider, in light of the recommendations in the Report of the Scottish Civil Courts Review, the implications of proposals for legal reform and other initiatives which may affect the cost and funding of civil litigation, and in particular to:

a) consider the recommendations of Sheriff Principal Taylor's review of the Expenses and Funding of Civil Litigation in Scotland insofar as the implementation of any those recommendations does not fall within the remit of the Lord President's Advisory Committee;

b) consider rules to support the increase in the privative limit and the introduction of the simple procedure, as proposed in the draft Courts Reform (Scotland) Bill, in particular with regard to the calculation in each case of the value of a claim; and

c) consider, in light of the Inner House decision in *Farstad Supply AS v Enviroco Limited*, the judicial rate of interest.

2. The Committee will take due account of the need to ensure that actions proceed through the civil courts as expeditiously as possible and at a cost proportionate to the sum or matter in dispute.

3. The Committee will take due account of the different circumstances of the sheriff court and the Court of Session whilst seeking to achieve, where possible, consistency of overall approach.

4. The Committee will make recommendations to the Scottish Civil Justice Council as to the policy which should be adopted in respect of matters falling within its remit and where appropriate will provide draft rules for the Council's consideration.