Civil Litigation/E_North Ayrshire Council
The Civil Litigation (Expenses and Group Proceedings)

Consultation

1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?
   No

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?
   N/A

3. Did you have sufficient time to contribute to the consultation exercise?
   N/A

Costs

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.
   No.

   In relation to Enforceability, North Ayrshire Council believes that the use of speculative fee and damages based agreements may result in upward pressure on the levels of awards due to pursuers seeking increased offers where they are required to pay over a portion of the award to their lawyers. This would be additional costs beyond the potential for increased claims noted in the FM.

   In relation to Qualified One Way Cost Shifting, North Ayrshire Council believes that, in addition to the potential increase in costs from meritorious claims, the lack of specific deterrents to inappropriate behaviour may result in higher volumes of unmeritorious claims. This will increase workload and handling costs resulting in increased insurance costs for local authorities.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?
   No. No estimated costs have been provided within the FM.

6. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?
Any resultant increase in costs for insurance or awards which are not funded will impact resources available to local authorities to deliver services.

7. **Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?**

   Yes. It is not possible to quantify the potential increase in unmeritorious claims or award levels at this time.

**Wider Issues**

8. **Do you believe that the FM reasonably captures any costs associated with the Bill? If not, which other costs might be incurred and by whom?**

   No. North Ayrshire Council believes that the potential costs arising from increased unmeritorious claims and award levels have not been reflected in the FM.

9. **Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?**

   No.