

FORM 26A.17

Rule 26A.17(2)

Group proceedings under section 20(7)(a) of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 – Opt-in proceedings – Withdrawal of consent for a claim to be brought in group proceedings

IN THE COURT OF SESSION

GROUP PROCEEDINGS BROUGHT

in the cause (Cause Reference No.)

under Part 4 of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018

by

[A.B.] (*full name, designation and address*)

Representative Party for Pursuers

against

[C.D.] (*full name[s], designation[s] and address[es]*)

Defender[s]

1. I, [A.B.] (*insert full name, designation and address*), Representative Party, have brought group proceedings on behalf of (*insert details, in brief, of the group of two or more persons*), each of whom has a separate claim which may be the subject of civil proceedings.
2. I, [A.B.], (*insert full name, designation and address*), Representative Party, received notice in Form 26A.14-B from [E.F.] (*insert full name[s], designation[s] and address[es]*) withdrawing their consent for their claim[s] to be brought in the group proceedings on (*insert date*).
3. [The proof in the group proceedings commenced on (*insert date*). This application is made following the commencement of a proof in the proceedings.]

[*and/or* In the event that the court were to grant this application there would be less than two persons having a claim in the proceedings.]

4. The reason[s] why [E.F.] (*insert full name*) seeks to withdraw from the group proceedings [following the commencement of proof in the proceedings] [*and/or* which, in the event that the court were to grant this application would result in there being less than two persons having a claim in the proceedings] is [*are*] as follows:—

(insert reason[s] in full as to either (or both):—

why no application to withdraw from the group proceedings was made by E.F. before now and provide arguments, in full, as to why it is reasonable for E.F. to withdraw from the proceedings despite the late stage in the proceedings of this application;

why it is reasonable for E.F. to withdraw from the group proceedings despite the fact that should the application be approved by the court it would result in there being less than two persons having claims in the proceedings.).

- 6 The court is invited to consider this application, after representations being given by [C.D.] (*insert full name[s], designation[s] and address[es]*), the defender[s].

(Signed)

Solicitor [*or* Agent] for Representative Party

(Date)