

ISSUE 01

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A View from the Bridge

The Newsletter from
The Conway Accident Law Practice



CONWAY

Accident Law Practice

www.accidentlawscotland.com

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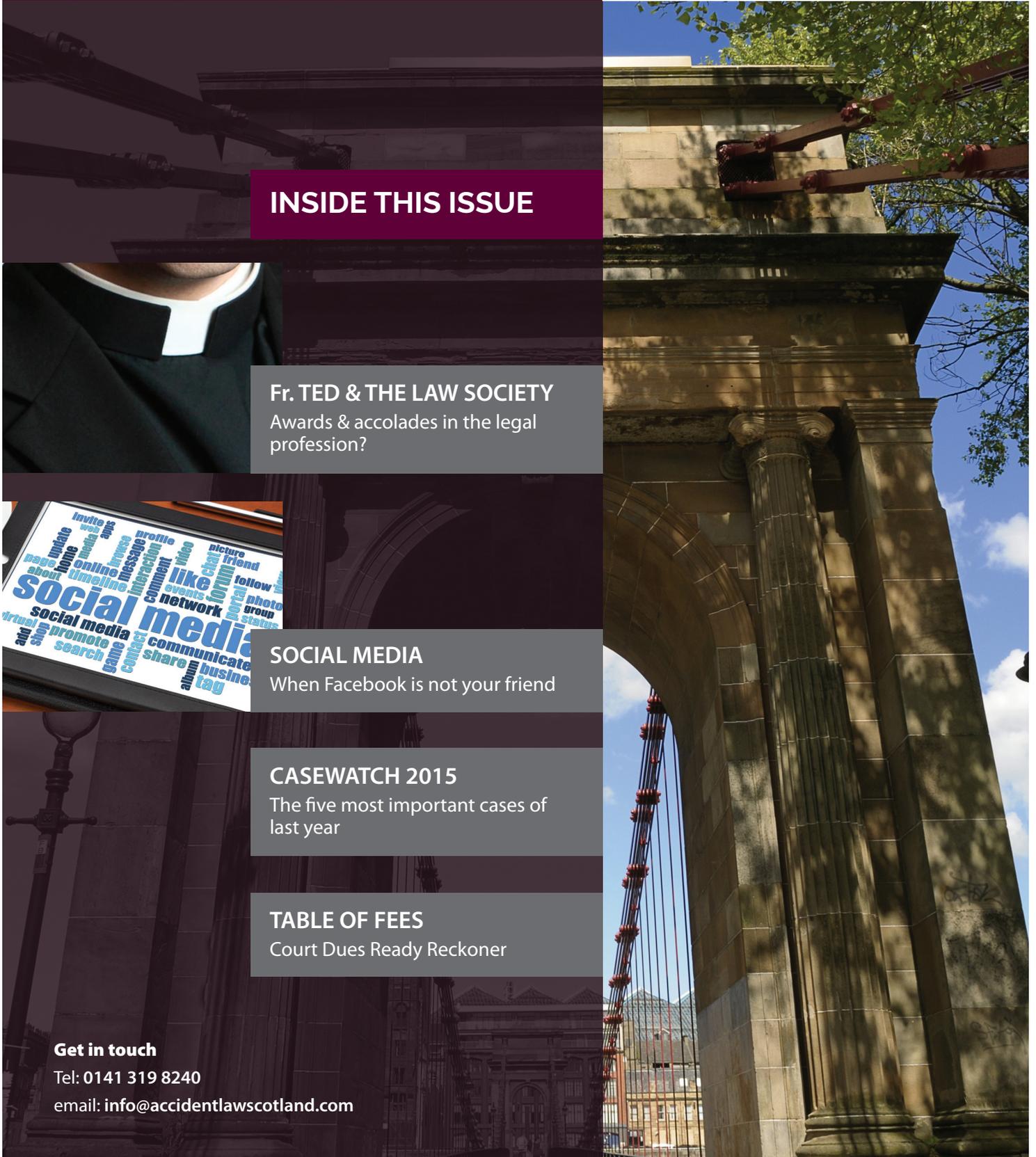
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**📁 Campbell v Peter Gordon
Joiners Ltd. [2015] CSIH 11**

The pursuer was injured in an accident involving a circular saw. The defender company was insolvent and there was no employer's liability insurance. The pursuer attempted to convene one of the directors as a second defender for failure to insure. By a majority the Inner House dismissed the claim against the director. All practitioners in the field know that this is a real problem. There have been almost no prosecutions by the Crown office over the last 10 years for the criminal offence of failing to have employer's liability insurance. This case is expected to go to the Supreme Court.

**📁 Young v McVean
[2015] CSIH 70**

The pursuer suffered psychiatric injury when told of the death of her son. She had earlier passed the scene of the road traffic accident in which he had been killed, and had an increasingly acute premonition that something terrible had happened. However she did not see the accident and was not told of it at the scene. She therefore failed to satisfy the "Nearness, Hearness and Dearness" tests which might let her recover extended damages as a secondary victim. The Inner House did uphold an award of £80,000 in respect of her grief and sorrow at the loss of her son, both in general and in particular terms.

**📁 WW v Ministry of Defence
[2015] CSOH 111**

The pursuer was exposed to asbestos whilst in the Royal Navy and had developed pleural plaques, with a 5% risk of mesothelioma. In one of the first cases to proceed to trial under The Damages (Asbestos-Related Conditions) (Scotland) Act 2009, the court awarded £8,500.00 in respect of provisional damages, with the opportunity reserved to return to court if the terminal condition of mesothelioma materialised. ■

TABLE OF FEES

Court Fees from 22nd September, 2015

| | Sheriff Personal Injury Court | Sheriff Court |
|--|-------------------------------|---------------|
| Warranting of Initial Writ (to include issue of extract decree) | £210 | £94 |
| Defences | £210 | £94 |
| Record | £105 | £111 |
| Motion/Opposition | £53 | £47 |
| Proof/Debate fixing fee | £58 | £53 |
| Fee per day of Proof/Debate | £223 | £223 |
| Hearing Fee per half hour | £75 | — |
| Appeal to the Sheriff Principal (Ordinary action) | £111 | £111 |
| Lodging of Account for Taxation | £42 | £42 |
| Certified copy of documents | £18 | — |
| Citation of civil jury | £292 | — |
| Summary Cause Warranting | — | £76 |
| Appeal to Sheriff Principal | — | £58 |

Court Fees from 1st April, 2016

| | Sheriff Personal Injury Court | Sheriff Court |
|--|-------------------------------|---------------|
| Warranting of Initial Writ (to include issue of extract decree) | £214 | £96 |
| Defences | £214 | £96 |
| Record | £107 | £113 |
| Motion/Opposition | £54 | £48 |
| Proof/Debate fixing fee | £59 | £54 |
| Fee per day of Proof/Debate | £227 | £227 |
| Hearing Fee per half hour | £77 | — |
| Appeal to the Sheriff Principal (Ordinary action) | £113 | £113 |
| Lodging of Account for Taxation | £43 | £43 |
| Certified copy of documents | £18 | — |
| Citation of a civil jury | £298 | — |
| Summary Cause Warranting | — | £78 |
| Appeal to Sheriff Principal | — | £59 |



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