



Agreement on the use of limitation in Scotland

The ABI and the Association of Personal Injury Lawyers have agreed a position in relation to cases where limitation would possibly be an issue in the next few months. This is set out below:

1. For the purposes of sections 17 and 18 of the Prescription and Limitation (Scotland) Act 1973 (“the 1973 Act”), in respect of any claim for damages for personal injuries which would otherwise “time bar” in accordance with the 1973 Act between 30 March 2020 and 14 August 2020 (“the limitation period”) no limitation defence will be raised by the parties in respect of said period.
2. Given the uncertainty of the present situation, and the potential for an extension of the limitation period, Parties are agreed that this Agreement will **continue until 14 August 2020 after which it will cease to have effect.**

Parties should take a consensual approach in relation to time limits and not seek to take unfair advantage of a party not complying with a procedural requirement. Particular regard should be had to service of an Initial Writ or Summons, and the lodging of a Notice of Intention to Defend or Defences. We would emphasise that parties and their representatives are expected to behave sensibly in the current crisis and that we would hope that the judiciary will take a dim view of behaviour that seeks to abuse the situation.

31 March 2020, Reviewed 15 April 2020, 19 May 2020, 9 June 2020, 2 July 2020 and 23 July 2020.



Limitation Protocol Agreement – Northern Ireland

A protocol is agreed between the ABI and APIL and comes into effect immediately. It will remain in effect and continue until 14 August 2020, after which it will cease to have effect, of the following:

1. That as between the parties, but ultimately subject to the authority of the court, limitation dates in all personal injury cases shall be frozen for the duration of this Protocol and any further extensions to the period of this Protocol:
2. That Defendants' representatives will, for the duration of this agreed Protocol and any extensions to same, accept service of proceedings by email should that be necessary: including cases on which protective proceedings have been previously issued provided the proceedings are correct in every respect as they would be if served in the normal way and are emailed to the nominated address for service.

ABI and APIL, reviewed 19 May 2020, 9 June 2020, 2 July 2020 and 23 July 2020