



WELCOME TO
MORE FOR
LAWYERS.

More for Lawyers - July 2021

Welcome to the July edition of More for Lawyers. We are now well into our Summer of CPD series and this edition contains information about how to join any of these sessions and get some CPD from the comfort of your own home! There are also a couple of very important legal developments which are canvassed in this month's bulletin. First, the introduction of QOCS in personal injury cases. Secondly, the revision of the rules on recovery of economic loss by the Supreme Court in the *Manchester Building Society v Grant Thornton LLP* case. I hope you enjoy reading and look forward to seeing you at our CPD series.

RICHARD MCMEEKEN

Partner, Litigation and Solicitor Advocate



AUTHOR: MARISA CULLEN

Why habitual residence is so important in International parental child abduction cases

In order for a Petitioner to seek a return under the 1980 Hague Convention, petitioners must prove that the removal or retention of the child was wrongful because it breached their rights of custody under the law of the state in which the child was habitually resident immediately before the removal or retention (article 3).

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AUTHOR: RICHARD MCMEEKEN

SAAMCO: Abandoning "Information" and "Advice"

Much of my early career was taken up with arguing cases for professional negligence on behalf of banks and building societies against valuers on the basis of the House of Lords decision in *Banque Bruxelles Lambert SA v Eagle Star Insurance Co Ltd*; *South Australia Asset Management Corporation v York Montague* [1997] AC 191 ("SAAMCO").

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AUTHOR: JENNY DICKSON

Qualified One Way Costs Shifting: new rules in Scottish courts

On 30 June 2021 new rules will come into force which change the ability of Defenders to recover expenses from Pursuers in personal injury actions in Scotland. The rules allow for what is known as qualified one way costs shifting (QOCS).

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AUTHOR: NICOLA EDGAR

When do the actions of health visitors amount to negligence?

The High Court in England recently issued an interesting judgement which considered the duty of care owed by health visitors who visit patients' homes to provide care and support. It is significant as it is the first clinical negligence case which deals with the role of health visitors, their responsibilities and the standard of care expected of them.

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Litigation updates for June and July

The following is a summary of some updates for June and July which might be of interest to those working in litigation in Scotland.

- The [Act of Sederunt \(Fees of Messengers-at-Arms and Sheriff Officers\)\(Amendment\) 2021](#) introduced a 6% increase on existing fees which took effect from 30 June 2021.
- The [Act of Sederunt \(Rules of the Court of Session 1994, Sheriff Appeal Court Rules and Sheriff Court Rules Amended\)\(Qualified One-Way Costs Shifting\) 2021](#) introduced QOCS to personal injury actions and took effect on 30 June 2021.

Summer of CPD Webinars

The third of our Summer of CPD Webinars runs next week. It will cover common legal issues which arise in relation to contentious executry cases.

The webinars are open to firms with 10 or fewer partners and in-house lawyers and are free. You can find more details and sign up for any of the webinars which catch your eye by clicking on the links below:

- Thursday 22 July 2021 at 11am - Richard McMeeken and Kirsty Hood QC - **Common legal issues which arise in relation to contentious executry cases** [Register here](#)
- Thursday 19 August 2021 at 11am - Nicola Edgar and Derek Couper - **Personal Injury and Medical Negligence Law: recent developments and future prognosis** [Register here](#)
- Thursday 23 September 2021 at 11am - Morton Fraser's Planning Team - **Five hot topics in planning and environmental law** [Register here](#)
- Thursday 28 October 2021 at 11am - Innes Clark and David Hossack - **Essential employment law** [Register here](#)

If you missed the first two webinars in our series recordings are available via the below links:

- [A Commercial Case Update](#)
- [Conducting Family Law Cases Virtually](#)



Our Service

More for Lawyers is for our professional colleagues. Working in partnership with other law firms throughout Scotland we can ensure that our clients and theirs get the best possible service. Our focus is on litigation agency work in the Court of Session, Sheriff Appeal Court and the All Scotland Personal Injury Court. We also offer mediation services.



Areas of Expertise

We provide advice to clients on the following areas: contract disputes; company, partnership & shareholder disputes; insolvency; property & real estate; banking & finance; insurance; reparation & personal injury; and trusts & executry disputes.

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