

## CRIME AND JUSTICE

# Civil Justice Statistics in Scotland 2017-18

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# Civil Justice Statistics in Scotland 2017-18



Civil justice is concerned with the rights and obligations of people and organisations. One way of resolving civil law disputes is for a case to be brought to court. Common types of cases where civil law is used include debt, divorce and claims for personal injury.

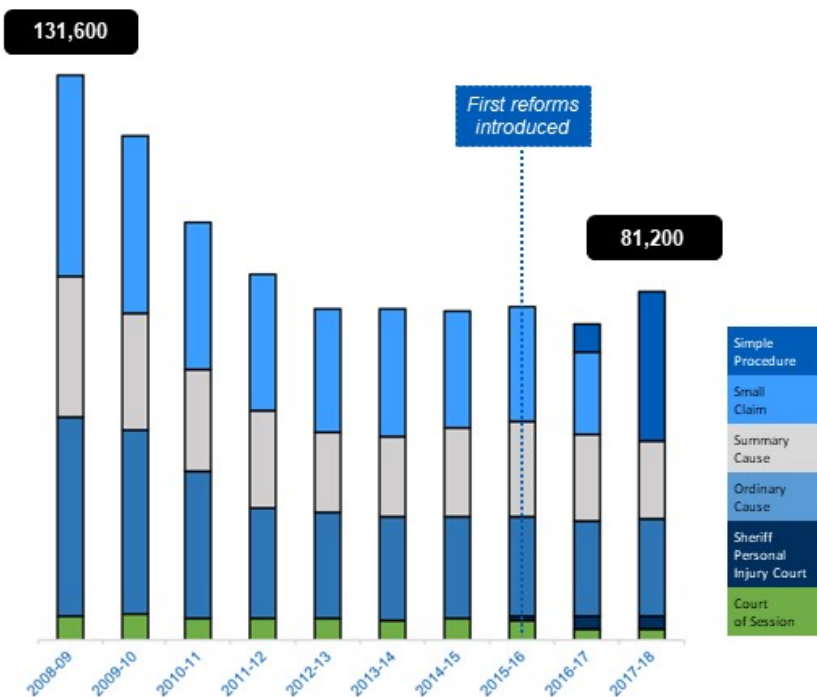
**Courts Reform:**  
A number of changes to the courts system has meant that simpler, cheaper procedures are increasingly being used to resolve civil law problems.

This has led to a rapid increase in the number of simple procedure cases, and a large portion of Court of Session personal injury cases moving into the specialized Sheriff Personal Injury Court.

The proportion of civil cases heard in the Court of Session has fallen by half, and that for summary cause in the sheriff courts fell from 29% of all cases to 22% since 2015/16.

Simple procedure accounted for 43% of all civil law cases in 2017-18.

## ► THE NUMBER OF CIVIL LAW CASES INITIATED SINCE 2008-09



## ► Charts show trends for initiated cases from 2008-09 to 2017-18



**+22%**

increase from 2016-17  
37,400 debt cases in (2017-18)



**- 5%**

decrease from 2016-17  
12,700 family cases (2017-18)



**+17%**

increase from 2016-17  
2,100 repossessions (2017-18)

# Executive Summary

There were 81,200 **civil law cases** initiated across the Court of Session and sheriff courts in 2017-18 (excluding summary applications<sup>1</sup>). This represents an increase of 10% from 2016-17, and is only the second increase in court business levels over the last ten years.

This change has occurred in the context of far-reaching **reforms** to the conduct of court business. These reforms are intended to make the resolution of civil disputes simpler and cheaper.

Overall, reforms appear to be taking effect:

- Business has moved out of the **Court of Session**, decreasing by 48% since 2015-16. Some of this business will have been displaced to sheriff courts, where the exclusive competence\* for cases on which sheriffs can rule has increased to £100,000.
- The specialised **Sheriff Personal Injury Court** has expanded its caseload since its inception in 2015-16 and now covers over a third of personal injury cases in Scotland.
- Small claim procedure in the sheriff courts is now effectively replaced by the new **simple procedure**. Simple procedure has also replaced the more straightforward cases previously brought as summary cause.

In general, civil justice problems being dealt with in sheriff courts by simpler procedures means that the time and costs associated with resolving these problems are reduced.

The **types of civil justice problems** encountered by people in Scotland and resolved in the courts has not changed much over the past ten years. Debt actions remain the most common, constituting 46% of primary craves. Eviction and Family actions were second and third most common, at 18% and 16% respectively.

In the context of rising levels of business overall, most case types have increased in parallel. The largest increases were recorded for Debt (+22%), Repossession (+17%) and Personal Injury (+13%). However, family cases have decreased by 5%. Three quarters of family type cases had divorce as the primary crave.

All sheriffdoms in Scotland experienced an increase in business levels from 2016-17. Between 2016-17 and 2017-18, Tayside, Central and Fife saw the largest increase in initiated cases (15%), while Grampian, Highlands and Islands saw the smallest (4%).

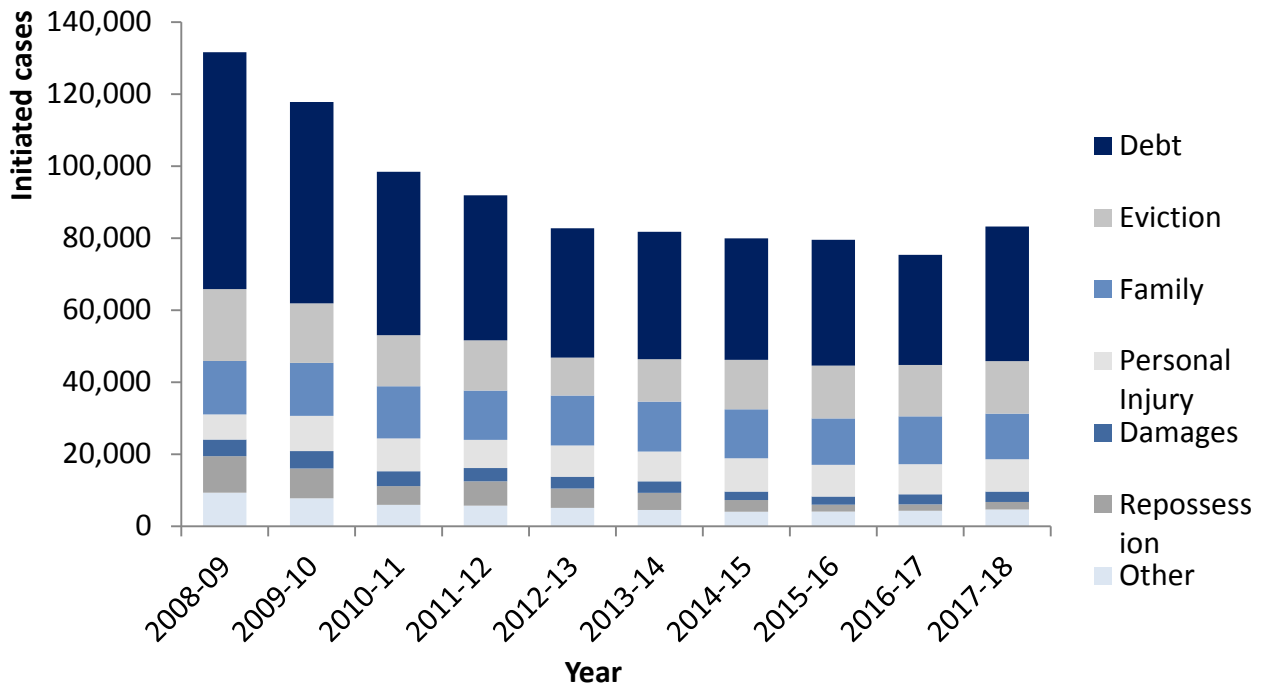
The 2017-18 Scottish Crime and Justice Survey shows that nearly **three in ten adults** were estimated to have experienced at least one civil law problem during the previous three years. The most common type of issues were disputes with neighbours (15%), followed by problems with faulty goods or services (5%), and money and debt issues (4%).

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<sup>1</sup> Unless otherwise stated, the statistics in this bulletin exclude summary applications. However, the number of repossession cases shown in [Figure 1](#) and discussed in section [2.2.6](#) includes summary applications.

This text has been corrected from the original publication to clarify that cases up to the value of £100,000 must be heard in the sheriff court. Over this limit, cases can go to the Court of Session or to the sheriff court.

**Figure 1: Long term downward trend in initiated cases, but a rise in the latest year**



# 1. Civil justice and court reform

In Scotland, civil law cases are usually conducted in a sheriff court or the Court of Session. Some cases are also heard in tribunals (section 1.1.3).

This chapter examines the procedures used in civil law in the Court of Session and sheriff courts (Figure 2). It then details recent reforms of these procedures, and the effects these reforms are likely to have on court business (1.2). Finally we examine the evidence from courts data of the effect of these phased reforms (1.3).

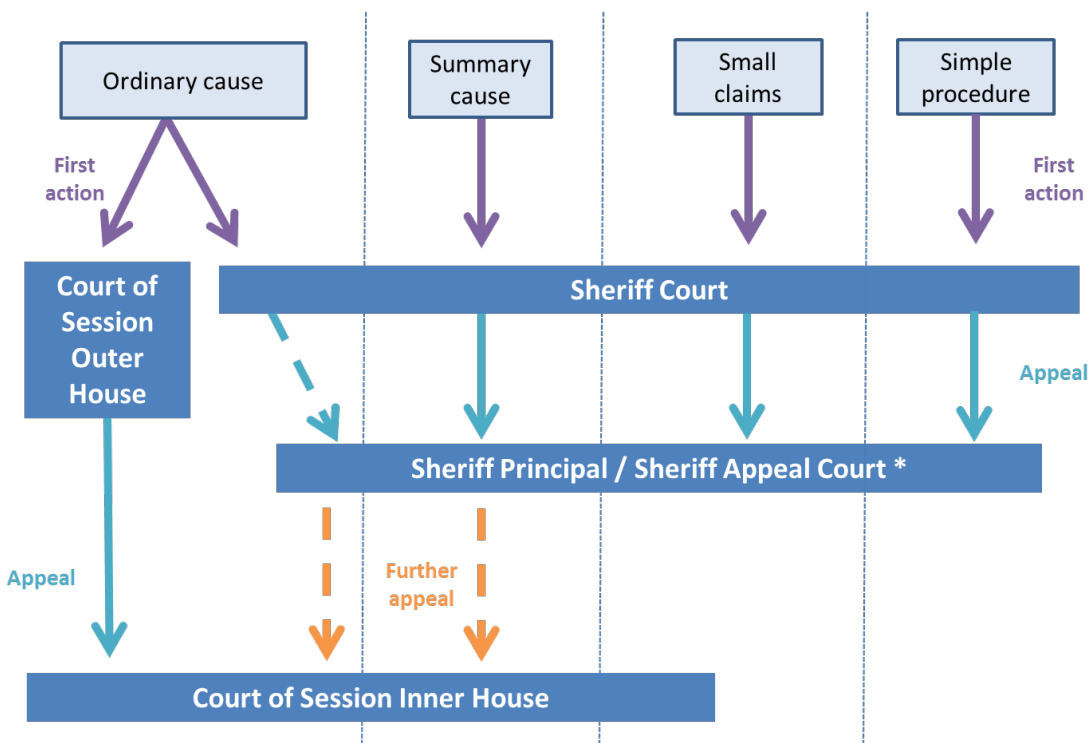
Our findings suggest that:

- A significant amount of business has moved out of the Court of Session, which saw initiated cases decreasing by 48% since 2015-16.
- The new specialised Sheriff Personal Injury Court now handles over a third of personal injury cases in Scotland.
- the new simple procedure has now effectively replaced the small claims procedure in sheriff courts, along with more straightforward summary cause cases.

## 1.1 Structures and procedures in civil courts

Figure 2 shows the current court structure and procedures, detailed in the following sections.

**Figure 2: Summary of court structure**



--> broken line indicates action only available in some circumstances

\* Sheriff Appeal Court was established on 1 January 2016 to take over initial appeals from Sheriff Principals.

### 1.1.1 Sheriff court procedures

Civil law cases initiated in the **sheriff courts** can be pursued in one of five procedures:

**Small claims** – These were intended to be a relatively informal procedure for cases involving any monetary claim up to £3,000. Cases carried out using this procedure may be heard only in the sheriff courts. Small claims have largely been replaced by the simple procedure except for a small number of EU cases.

**Summary cause** – This procedure is used where the case involves any monetary claim over £3,000 and up to £5,000. It is also used for the recovery of rented property, for the recovery of moveable property and for personal injury cases up to £5,000. Cases carried out using this procedure may be heard only in the sheriff courts at first instance. Simple procedure (phase one) has replaced actions relating to payment, delivery or for recovery of possession of moveable property and actions which order someone to do something specific.

**Summary application** – This is a less commonly used procedure, designed to be quick and informal. It is generally used for statutory applications (in other words, processes set out in legislation). For example, appeals from decisions of licensing boards are heard under summary application. Actions for the repossession of homes because of mortgage arrears also take place under summary application.

**Simple procedure** – This was introduced by the [Courts Reform \(Scotland\) Act 2014](#), amalgamating small claims actions and summary cause in the sheriff courts beginning from 28 November 2016. Simple procedure (phase one) only covers the most straightforward summary causes, procedures for more complex cases will follow in due course. Similar to the procedures it replaced, the simple procedure applies to cases with a value up to £5,000.

**Ordinary cause** – This procedure is used where the case involves any monetary claim over £5,000, for cases involving family disputes and for many other cases where more complex legal issues arise. Cases carried out using this procedure may be heard in the sheriff courts or the Court of Session. Since 22 September 2015, cases up to a value of £100,000 are within the exclusive competence of the sheriff courts, as set out by the [Courts Reform \(Scotland\) Act 2014](#).

Since January 2016, **appeals** of civil cases which have been disposed of in the sheriff courts (whether by summary sheriffs or sheriffs) go to the [Sheriff Appeal Court](#) (Civil), except in some specialised pieces of legislation where direct appeal may be made to the Inner House of the Court of Session.

### 1.1.2 Court of Session procedures

The **Court of Session** is the highest civil court in Scotland. Cases before the Court of Session are normally initiated in one of two departments:

**General Department** - deals mainly with cases where one person wants to enforce a legal right against another. The General Department deals with a variety of case types including: personal injury, family, damages, interdict, intellectual property, debt and commercial.

**Petition Department** - deals with cases where the authority of the court is sought to deal with a variety of legal issues, other than disputes between people or organisations.

Cases are heard either in the **Outer House** or the **Inner House**. The Outer House is where the majority of cases are first heard. In this court, single judges normally preside over cases. The Inner House deals primarily with appeals, although it does hear a small amount of first instance business. At least three judges sit to hear cases in the Inner House, except where the business is procedural in nature when a single judge may sit for most classes of appeal.

Appeals from the Outer House, known as reclaiming motions, are made to the Inner House (which also hears certain appeals from the Sheriff Appeal Court and certain tribunals and other bodies). Judgments of the Inner House of the Court of Session can be appealed to the [Supreme Court of the United Kingdom](#).

### **1.1.3 Specialist courts and tribunals**

A number of specialist civil courts and tribunals also operate in Scotland. Examples of specialist courts include the [Scottish Land Court](#), which deals with agricultural and crofting matters, and the Lands Valuation Appeal Court, which deals with rateable value issues. Appeal from specialist courts is usually to the Inner House of the Court of Session.

Some tribunals in Scotland, such as the [Mental Health Tribunal for Scotland](#), operate in areas of devolved competence and are administered by the Scottish Courts and Tribunals Service (SCTS). SCTS also provide support for the wide range of tribunals that are part of the [Scottish Tribunals](#) (see section on their website).

There are also a number of tribunals in Scotland which deal with areas of reserved competence – for example social security tribunals and the [Employment Tribunal](#). These are currently administered by [Her Majesty's Courts and Tribunals Service](#).

The [Scotland Act 2016](#) put in place arrangements to devolve the administration of reserved tribunals to the Scottish Parliament. This will be done on a case-by-case basis using secondary legislation. The UK Parliament will retain responsibility for legislating for the subject matter of these tribunals.

Statistics on specialist courts and tribunals are not included in this bulletin. Further information can be found in those courts and tribunals' annual reports ([Mental Health Tribunal for Scotland annual reports](#), [Scottish Land Court reported decisions](#) and [Lands Tribunal for Scotland](#)).



## 1.2 Court reforms and expectations

In October 2014, the [Courts Reform \(Scotland\) Act 2014](#) was passed by the Scottish Parliament and received Royal Assent in November 2014. The reforms aim to address existing inefficiencies and bring about a cost-efficient, effective and accessible civil justice system for all individuals. Key reforms introduced by the Act, their date of implementation and expected indicators of their effects are listed in the remainder of this section.

The changes outlined in this section are not an exhaustive list of changes introduced by the Act. Transitional arrangements apply to all of the reforms described. More information on the Act can be found on the [Scottish Courts and Tribunals Service](#) website.

- The expected effects of these reforms are listed in bullet form, like this. In section 1.3 we examine the data to determine if these changes have taken place.

### 1.2.1 Courts and procedures

#### ***Exclusive Competence of Sheriff Courts***

From 22<sup>nd</sup> September 2015

The exclusive competence for all sheriff courts has been extended. Before the Act, only actions with a value of up to £5,000 could be raised in the sheriff courts, while cases above that value were eligible to be heard in the Court of Session. This has now changed, and actions with a value of up to £100,000 fall within the exclusive competence of the sheriff courts, while cases above this value will usually be raised in the Court of Session.

- This should lead to a reduction in volume of cases being handled by the Court of Session in favour of cheaper, simpler proceedings at the sheriff courts.

#### ***Sheriff Personal Injury Court***

From 22<sup>nd</sup> September 2015

Litigants can choose to raise actions pertaining to personal injury valued up to £100,000 either in their local sheriff court or in the national personal injury court in Edinburgh. For higher value actions, a pursuer (claimant) has the choice of these forums and also the Court of Session. The Sheriff Personal Injury Court was established to increase efficiency and reduce settlement times of cases.

- This should lead to a reduction in volume of personal injury cases being handled by both the Court of Session and traditional sheriff courts.

#### ***Summary sheriffs***

From 1<sup>st</sup> April 2016

Summary sheriffs were created and they have a more limited jurisdiction than existing sheriffs, they are limited to dealing with cases of less than £5,000. Summary sheriffs are able to deal with the following proceedings: family; domestic abuse; adoption; children's hearings; forced marriage; warrants and interim orders; diligence proceedings; extension of time to pay debts and simple procedure.

### ***Simple procedure (phase one)***

From 28<sup>th</sup> November 2016

This procedure replaced the small claims and the more straightforward summary cause procedures, applying to cases with a value less than £5,000. Simple procedure has been designed to be efficient, inexpensive and informal, so that parties can represent themselves. It is mainly dealt with by the new summary sheriffs.

Simple procedure (phase one) only replaced summary cause actions relating to payment, delivery or for recovery of possession of moveable property, and actions which order someone to do something specific. A second phase of simple procedure is expected to follow in due course, covering certain types of actions not covered by the first phase such as personal injury cases.

- This reform should reduce the time and costs of pursuing simpler cases through the courts.

### **1.2.2 Judicial Review**

From 22<sup>nd</sup> September 2015

Reforms introduced require an application for raising proceedings to be made within a three month time limit. Applicants must also seek permission from the Court of Session to proceed under the new procedure for review.

- We would expect this reform to reduce the number of reviews resulting in a hearing.

### **1.2.3 Appeals**

#### ***Appeals from Court of Session to the UK Supreme Court***

From 22<sup>nd</sup> September 2015

Permission from Court of Session judges is now required before cases can reach the UK's Supreme Court. This means any party wishing to overturn a decision from the Inner House of the Court of Session must seek permission beforehand. If the Inner House refuses, the party can seek permission from the Supreme Court directly. In effect, the changes mean appeals from Scotland to the Supreme Court are now subject to the same rules as appeals from other parts of the UK.

- This should reduce the volume of appeals from the Court of Session going to the UK Supreme Court.

#### ***Sheriff Appeal Court (Civil)***

From 1<sup>st</sup> January 2016

The Sheriff Appeal Court was established to ensure cases are dealt with at an appropriate level and prevent unmeritorious claims from reaching the higher courts. The court is presided over by Appeal Sheriffs, and led to the previous Sheriff Principal role of adjudicating on appeals against decisions of sheriffs being abolished.

The effect of the reforms removes the ability to appeal directly from the sheriff court to the Court of Session, and provides a mechanism for appeal within the sheriff court system.

- This should reduce the volume of appeals from the sheriff courts heard in the Court of Session.

### 1.3 Recent trends of civil law court cases

Between 2008-09 and 2012-13, the number of cases initiated in the sheriff courts fell by 43% (excluding summary applications<sup>2</sup>) (Table 1 & Figure 3). Cases in the Court of Session saw a more fluctuating trend.

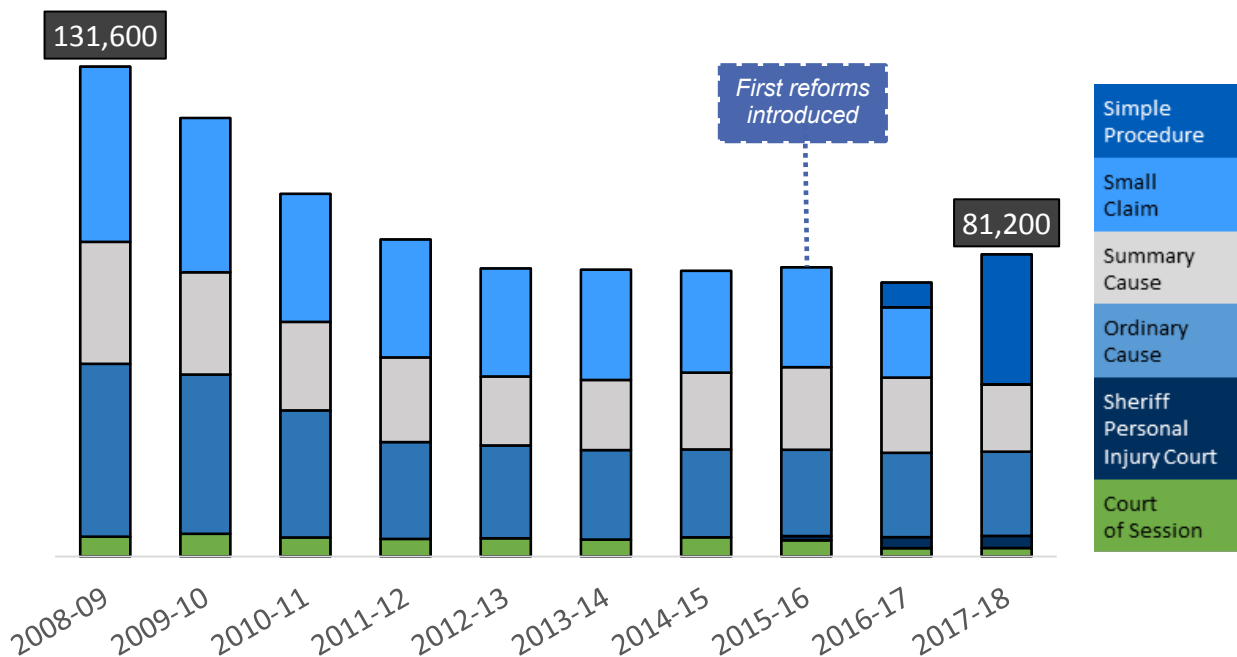
From 2012-13 to 2015-16, the total number of initiated cases across all courts were stable at around 77,000 until a decrease of 5% to 73,600 in 2016-17.

The total number of civil cases initiated in the courts increased in 2017-18 for only the second time in 10 years, up 10% on the total for 2016-17 (the other increase having been 1% in 2015-16). Increases in case numbers were observed across all case types except family which saw a 5% decrease (see section 2.2 for more information).

One of the main reasons for the increase in initiations in 2017-18 is debt actions, which have been brought under the new simple procedure (Table 11). Their relative ease of this procedure may have led to a rise in interest from the public.

In the following sections we examine these trends further in the context of the reforms of civil courts proceedings discussed in section 1.2.

**Figure 3: Cases transfer to Sheriff Personal Injury and simple procedure**



<sup>2</sup> Unless otherwise stated, the statistics in this bulletin exclude summary applications. However, the number of repossession cases shown in the Figure 1 above and discussed in section 2.2.6 includes summary applications.

### 1.3.1 Courts and procedures

In 2017-18, 75,623 cases were initiated in the **sheriff courts** and 63,994 were disposed. This represents an 11% increase in initiations and a 3% increase in disposals on the previous year ([Table 3](#)).

However, this increase was not observed across all procedures in the sheriff courts. The numbers of **ordinary cause** procedures remained approximately the same (a 0.2% reduction), while **summary cause** procedure initiations fell by around 11%. **Small claims** procedures were almost entirely replaced in 2017-18 by the new simple procedure. (The remaining few cases relate to EU small claims cases.)

The phase one roll-out of **simple procedure** is now complete, with the first full year of data available for this report. 34,914 simple procedure cases were initiated in 2017-18, and 29,897 were disposed of.

The simple procedure appears to have absorbed almost all small claims and summary cause cases for debt and damages actions ([Table 11](#) and [Table 18](#)), while also increasing the overall case load at sheriff courts. This could indicate that there is an increase in access as a result of the new procedure, which was designed to be informal and allow for self-representation. This trend is likely to continue as simple procedure enters phase two in due course, and absorb more complex types of action currently initiated under summary cause.

A further 3,282 cases were initiated in the national **Sheriff Personal Injury Court**, an 11% increase on 2016-17 ([Table 17](#)). Based on the available data from 2015-16 onwards, many of the cases pursued in the Sheriff Personal Injury Court would likely have been initiated at the Court of Session, which has seen a corresponding fall in the number of cases initiated since the institution of the new court ([Table 1](#)).

As a result, while business levels have increased by 10% across all courts, the number of cases initiated at the Court of Session is around the same as 2016-17 at 2,279 (a 1% increase in cases).

Combined, the new simple procedure and Sheriff Personal Injury Court accounted for 47% of all civil court business.

Civil justice problems being dealt with by simpler procedures should result in reduced time associated with resolving these problems. We cannot currently confirm this to be the case, but we will provide updates to that effect in future bulletins when data become available. The relative costs of these procedures is provided on the Scottish Courts and Tribunal Service website<sup>3</sup>.

### 1.3.2 Judicial Review

The Court of Session deals with judicial review. This is a specialised type of court procedure that can be used to challenge the way a person or body with power or authority has made a decision.

Reforms to this procedure might have been expected to reduce the number of reviews but this is not immediately evident in the statistics ([Table 24](#)). The only effect so far has been a jump in reviews ahead of the rules changing in September 2015.

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<sup>3</sup> <https://www.scotcourts.gov.uk/taking-action/court-fees>

There were 357 judicial review cases initiated in 2017-18, a small (4%) increase on 2016-17. Between 2015-16 and 2016-17 there was a large decrease, explained in part due to a rise in number of judicial reviews in the preceding year, ahead of the reform.

The number of judicial reviews initiated at the Petition Department of the Court of Session has been highly variable over time. It is not clear yet if the new procedure will reduce the overall volume of such cases being initiated in the longer term.

### **1.3.3 Appeals**

#### ***Sheriff Appeal Court (Civil)***

2017-18 is the second full year of operation in the **Sheriff Appeal Court** (Civil), which began in January 2016. In 2017-18, 286 cases were initiated and 235 disposed of ([Table 25](#)).

In the previous year, the same number of cases were initiated (286) as in 2017-18, but only 169 disposed of. This improved initiation/disposal ratio may imply improved efficiency as a result of new procedures bedding in at the Sheriff Appeal Court.

Prior to January 2016, appeals would have been directed to the Court of Session thereby entailing higher costs and possibly longer duration for determination. There has been a decrease in the appeals made from the sheriff courts, but numbers are small: for the last five years there were 46, 53, 42, 18 and 31 respectively ([Table S9 Supplementary statistics tables](#)). The last two years correspond to when the Sheriff Appeal Court operated for full financial years.

#### ***Appeals from Court of Session to the UK Supreme Court***

In 2017-18, 20 civil law applications were initiated under the provisions for bringing appeals to the UK Supreme Court ([Table 26](#)). During this period, 25 applications were disposed of by the Inner House of the Court of Session (two granted and 23 refused).

In 2017-18, of the 17 cases disposed of by the Supreme Court for permission to appeal (having been initially refused by the Inner House in Scotland), one was granted and the rest were refused<sup>4</sup>.

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<sup>4</sup> <https://www.supremecourt.uk/news/permission-to-appeal.html>

## 2. Civil justice problems

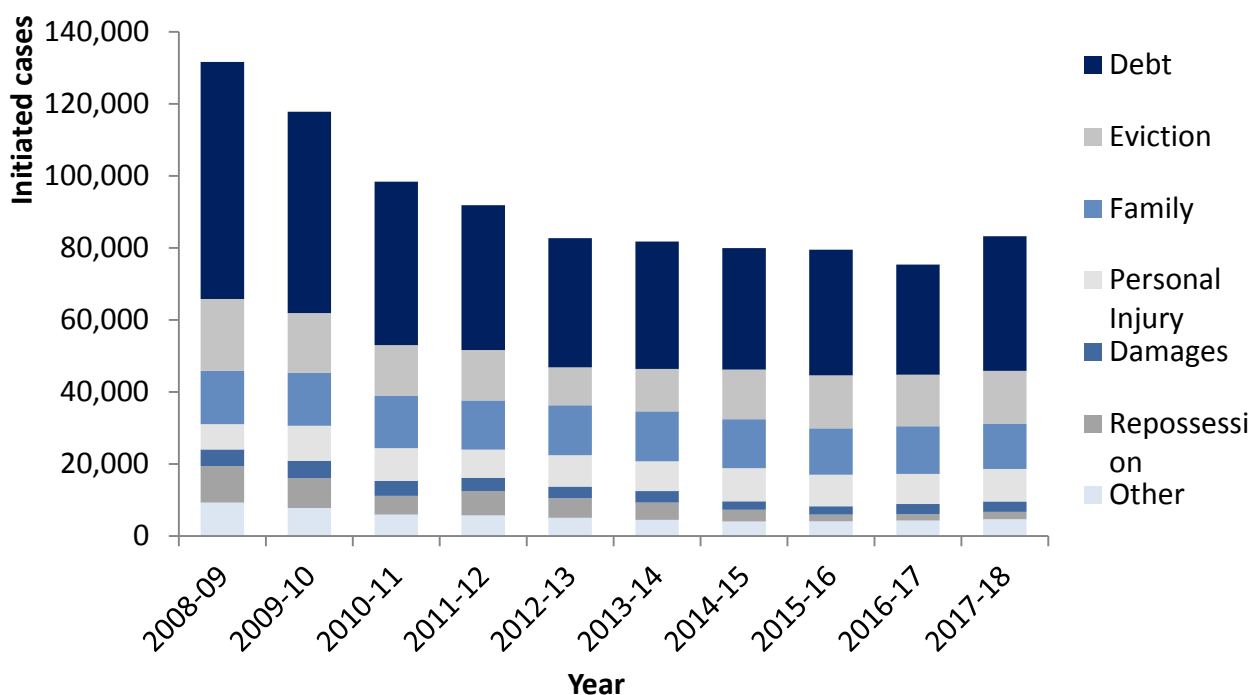
In this chapter we examine the types of civil legal problems people experience in Scotland, as determined by the Scottish Crime and Justice Survey 2017-18, and what sorts of issues are presented at court.

First we look at information from the representative sample in the Scottish Crime and Justice Survey. We then examine the long-term trends in the courts' data. Finally we look at the changes in legal aid sought in Scotland.

Our findings suggest that:

- According to the Scottish Crime and Justice Survey 2017-18, three in ten adults experienced civil law problems in the three years prior to interview.
- Debt cases made up 46% of primary craves initiated at civil courts in 2017-18. Debt initiations also increased by 22% from 2016-17.
- Evictions made up 18% of primary craves initiated at civil courts in 2017-18.
- Family cases made up 16% of primary craves, of which 75% related to divorce and dissolution in 2017-18.
- Just under 35% of personal injury cases were raised in the national Sheriff Personal Injury Court.
- Over three in four damages cases were initiated under simple procedure in 2017-18. 43% of the simple procedure cases disposed of were dismissed.
- The number of repossession cases initiated rose for the first time in six years in 2017-18 (up 17% from 2016-17).
- In 2017-18, there were 13,093 civil legal aid grants, the vast majority of which were for cases in the sheriff courts.

**Figure 1: Case types initiated at civil courts, 2008-09 – 2017-18**



## 2.1 Scottish Crime and Justice Survey - civil justice module

The Scottish Crime and Justice Survey 2017-18 estimates that three in ten adults experienced civil law problems in the three years prior to interview

The Scottish Crime and Justice Survey (SCJS)<sup>5</sup> includes questions on experience of and response to civil law problems. Respondents are asked if they have experienced one or more of a list of problems or disputes in the three years prior to interview<sup>6</sup>. They are then asked whether they have attempted to solve them.

The problem areas covered are:

- home or family living arrangements
- money, finances or anything paid for
- unfair treatment
- health and well-being

The 2017-18 SCJS shows that around three in ten adults (31%) were estimated to have experienced at least one of the civil law problems asked about in the previous three years. This is similar to both the 29% reported in 2016-17 and 30% reported in the 2008-09 SCJS<sup>7</sup>.

Some groups in the population were more likely to experience civil law problems than the general population. For example, an estimated 38% of those who are disabled experienced a civil law problem compared with 28% of those who are not disabled. Those who lived in one of the 15% most deprived areas in Scotland suffered a higher prevalence of civil justice problems (40%) than those who did not (29%), as did victims of crime (45%) compared with non-victims (28%).

Among the problem areas listed above, 21% of adults had experienced problems with home or family living arrangements, 10% had experienced problems with money, finances or anything they had paid for, 8% had been treated unfairly in some respect and 6% had experienced health or well-being problems.

The most common single problem was with neighbours, experienced by 15% of adults. The next most common civil law problems involved faulty goods or services (5%) or money & debt (4%). The full breakdown is shown in [Figure 4](#).

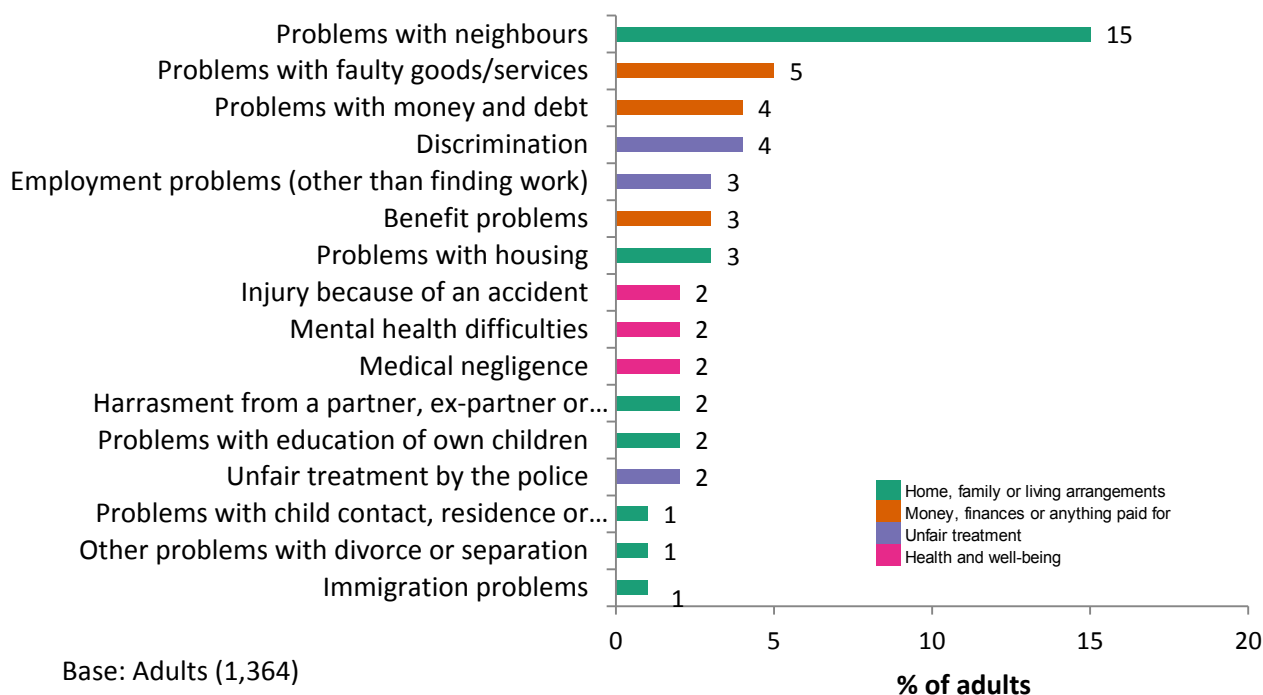
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<sup>5</sup> More information on the SCJS can be found on the [Scottish Government website](#).

<sup>6</sup> Information on the [SCJS questionnaire](#).

<sup>7</sup> There have been some question updates and additional answer categories in the questionnaires since 2008-09, but results are still broadly comparable.

**Figure 4: Experience of civil law problems: SCJS 2017-18**



Among those who had experienced civil law problems in the last three years, over a third (35%) said a problem concerning neighbours was their most important or only problem to solve. The next most important problems involved faulty goods or services (8%) or discrimination (8%).

Thirty-one per cent of these problems began less than a year ago, a further 19% over a year but less than two years ago, 17% over two years but less than three years ago and 31% over three years ago.

Just over two fifths (42%) had resolved the problem, while just over a third (34%) were still trying to resolve the problem. One in ten had tried to resolve the problem but had to give up (11%) and a similar proportion (11%) were not planning to do anything.

Scottish Crime and Justice Survey problems which correspond to those commonly handled by the civil courts are summarised in the following sections:

**Debt** (section 2.2.1) - An estimated 4% of adults in the 2017-18 Scottish Crime and Justice Survey reported having money and debt problems. The prevalence of money and debt issues varied by tenure, for example, owner occupiers were less likely to have experienced such issues in the previous three years (2%) than social tenants (8%).

**Family** (section 2.2.3) - The 2017-18 SCJS found that an estimated 2% of adults experienced problems to do with the behaviour of a partner, ex-partner or other person harassing them, 1% experienced a problem to do with child contact, residence or maintenance and similarly 1% experienced problems to do with divorce or separation.

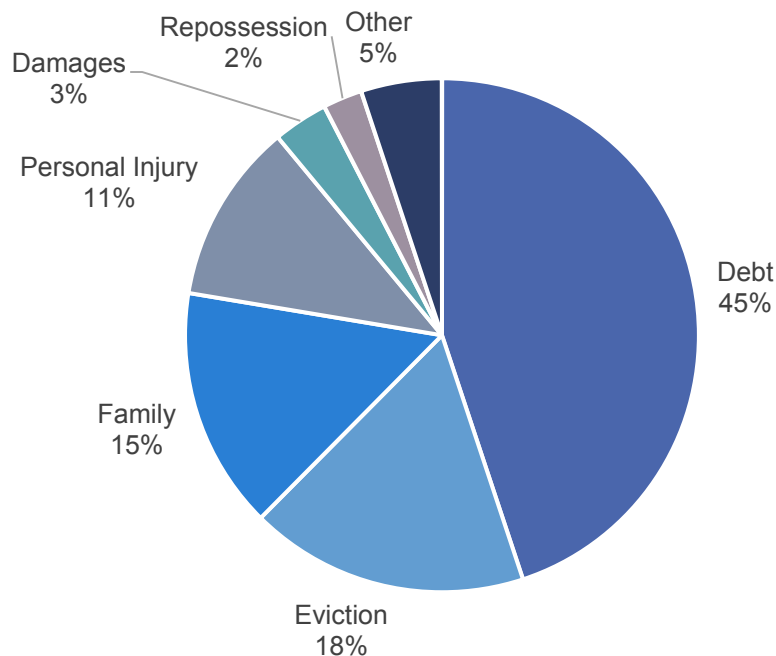
**Personal injury** (section 2.2.4) - The 2017-18 Scottish Crime and Justice Survey found that an estimated 2% of respondents experienced a medical negligence issue and similarly 2% experienced a personal injury problem in the last three years.



## 2.2 Volumes and types of problems in the courts

In this section we examine the types of civil law problems recorded in court statistics, and any changes in their likelihood over time.

**Figure 5: Debt cases remain the most common problem at civil courts**



The civil law court statistics presented in this bulletin relate only to the **principal crave** of cases. An individual case can involve a number of different case types. The case type which is listed first on the **writ** is normally known as the principal crave and the others are described as ancillary craves. By not including ancillary craves, our statistics will be underestimating those case types recorded under this heading. The feasibility of publishing statistics on ancillary craves in future editions is being investigated in line with the Scottish Government's strategy for justice in Scotland<sup>8</sup>.

In 2017-18, debt actions were the most common, constituting 45% of all civil court cases. Eviction and family actions were second and third most common, at 18% and 15% respectively (Figure 5) (percentages include summary applications<sup>9</sup>).

Increases in case numbers were observed across most case types except for family. The largest increases were recorded for Debt (+22%), Repossession (+17%) and Personal Injury (+13%), while Family decreased by 5% (Table 27).

<sup>8</sup> Justice in Scotland: vision and priorities: <https://www.gov.scot/publications/justice-scotland-vision-priorities/>

<sup>9</sup> The statistics presented in Figure 5 and percentages quoted include summary applications for repossession, similar to those in Figure 1. Otherwise, all other statistics in this bulletin exclude summary applications.

## 2.2.1 Debt

Debt cases made up 46% of primary craves initiated at civil courts in 2017-18

The number of debt cases increased to 37,364, but has not reached pre-2012 levels

86% of debt cases initiated in 2017-18 were under the new simple procedure

Money owed to an individual or organisation is known as a debt and can include council tax, business taxes, hire purchase agreements, utility bills, bank overdrafts and loans. Where there is a dispute over a debt and a creditor wishes to enforce their right for payment, they can raise a debt case in court.

The Scottish Legal Aid Board, in their [fifth monitoring report](#), found that: “Other routes to debt management or resolution of the debt issue, not involving court, are increasing in importance. Debt management companies and the not-for-profit sector appear therefore to be an increasingly important avenue for people seeking assistance with debt issues than solicitors.”

### **Evidence**

Debt actions have consistently been the most common primary craves over the past 10 years.

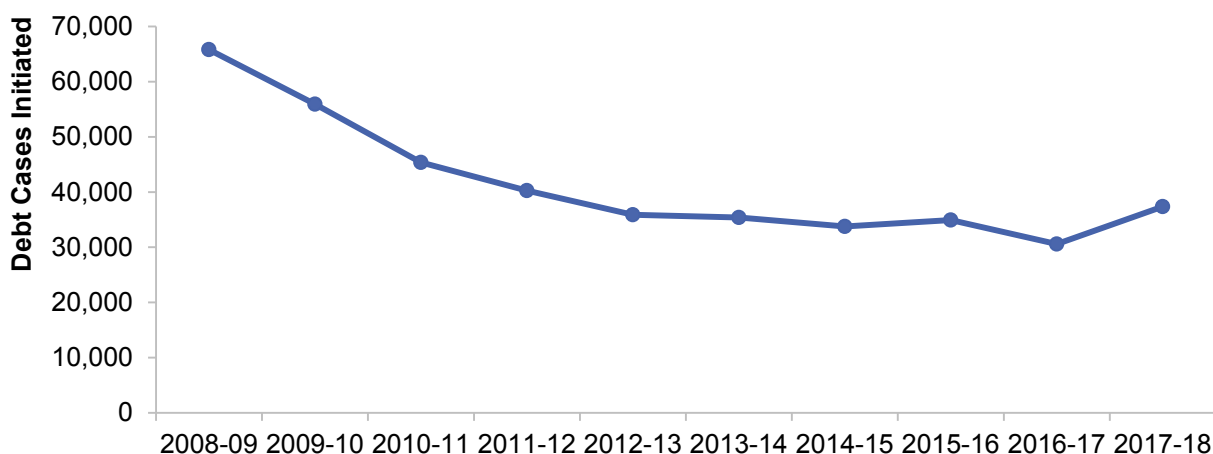
The number of debt actions fell in line with the overall trend for civil justice court proceedings initiated, though at a slightly faster rate, between 2008-09 and 2012-13.

There was an increase in the number of debt actions as primary craves in 2015-16 compared with 2014-15 (a 3% increase), followed by a large (12%) fall in 2016-17.

In 2017-18, the number of debt actions increased by 22% on the previous year, from 30,567 to 37,364 ([Table 11](#) & [Figure 6](#)). This is likely due to a rise in interest from the public following implementation of simple procedure.

Of these 37,364 debt actions initiated, 86% were brought to the sheriff court under the new simple procedure, up from 20% in the previous year. A very small number were small claims or summary cause proceedings. 13% were brought to the Sheriff court under ordinary cause procedure, down from 15% in 2016-17.

**Figure 6: Debt cases initiated rose in 2017-18, but not to pre-2012 levels**



## 2.2.2 Eviction

Evictions made up 18% of primary craves initiated at civil courts in 2017-18

Evictions initiated increased very slightly, by 2% from the previous year to 14,604 cases

Eviction cases involve the taking of property by the owner from an occupier, usually a tenant. Landlords can apply for an eviction order if they want their tenants removed from the property.

From 1 December 2017, the last quarter of these data, all civil private rented sector eviction cases, including short assured, assured and private residential tenancies are dealt with by the [First Tier Tribunal Housing and Property Chamber](#) (criminal cases remain with the sheriff court).

Initiating eviction action for social housing (local authority and registered social landlord) rent arrears cases can only happen after the landlord has followed a set of pre-action requirements. By granting an eviction order, the courts permit the eviction process to proceed, but this does not mean that eviction will necessarily take place.

The eviction statistics in this bulletin relate to tenants of rented properties in social housing (local authority and registered social landlords) and private sector tenants prior to 1 December 2017. Detailed statistics on the eviction of local authority tenants are available from [Housing Statistics for Scotland](#).

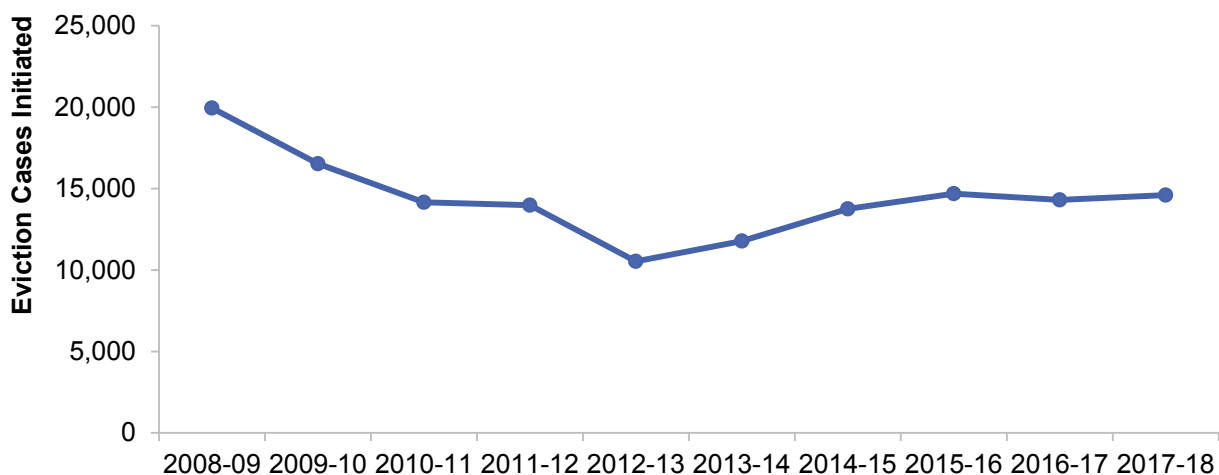
### **Evidence**

Between 2008-09 and 2012-13 there was a consistent fall in the number of evictions as primary craves, falling around 47% over that period from around 20,000 to 10,532.

These figures increased in 2013-14 through 2015-16 to 14,690. A small dip in 2016-17 has been followed by a return to 2015-16 levels in 2017-18, when there were 14,604 evictions initiated. Around 60% of eviction cases were found “for pursuer”, and 85% of cases were undefended ([Table 23](#)).

All evictions are brought as summary cause to the sheriff court.

**Figure 7: Eviction case numbers have stabilised for the past three years**



### 2.2.3 Family

Divorce and dissolution made up 75% of family cases in 2017-18

Nearly all of the 6,873 divorces granted in 2017-18 were heard in sheriff courts, and 61% used the simplified procedure

Family law covers a wide range of areas related to families, couples and children. These include: divorces and dissolutions; applications relating to parental responsibilities and rights; and permanence and adoption cases.

Family law also covers interdicts preventing a party from making specific contact or coming within close proximity to another, and exclusion orders that suspend the rights of an individual to live in the family home.

This section also contains statistics on sheriff court summary applications relating to adoption and children's hearings.

The courts statistics presented in this bulletin relate only to the principal crave of the case. This means that the statistics on certain case types, such as contact and residence, do not reflect the true number of actions brought to court as these issues are often ancillary craves in a case where the principal crave is for divorce. The feasibility of publishing statistics on ancillary craves in future editions of this bulletin is being investigated.

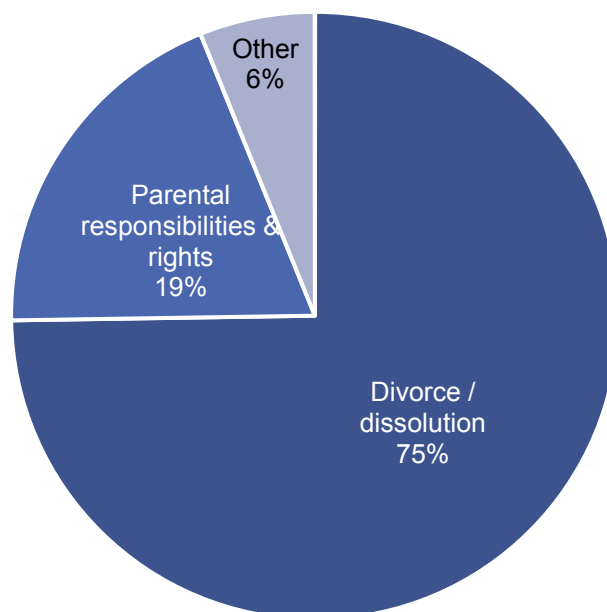
#### ***Family law evidence summary***

There has been a general downward trend in the number of family actions as primary craves since 2008-09. There was a 15% fall from 14,836 in 2008-09 to 12,652 in 2017-18 (Table 5). Family is also the only case type to see a decrease in initiations in the last year (5% or 600 cases).

There have been no evident changes in distribution of types of case or the courts used.

**Figure 8: Family cases initiated in the civil courts, 2017-18**

Proportion of primary craves,  
2017-18



Divorce / dissolution and parental responsibilities and rights are the biggest case types and together account for 94% of family cases initiated.

Only a small proportion of family cases are heard in the Court of Session (87 or 1% in 2017-18), representing 9% of cases in the General Department of that court ([Table 2](#) & [Table 6](#)). Of these 87 cases, Divorces and dissolutions accounted for 89%.

In 2017-18, the vast majority (89%) of applications to extend/vary an interim order disposed of were granted. Similarly, most children's hearings (referral applications) were granted and established the grounds for referral, with the case being referred back to the Children's Hearing to dispose of the case ([Table 8](#)).

The number of adoption petitions has been relatively stable in recent years. In 2017-18 there were 533 such cases initiated. The number of applications initiated for permanence orders with authority to adopt decreased slightly, down 5%, to 388 in 2017-18.

### ***Divorce and dissolutions statistics***

Divorce is the formal procedure that ends a marriage, while the procedure for ending civil partnerships is known as dissolution. In addition to divorce and dissolution, the courts can also take decisions on where a child should live when parents separate; whether the non-resident parent should have contact with the child and who should have parental responsibilities and rights. Where children are involved, or there is a claim for financial provision, the ordinary procedure is used. However, the majority of divorces and dissolutions use a simplified procedure which is low-cost and simpler.

The divorce and dissolution statistics presented in [Table 9](#) and [Table 10](#) are based on different Scottish Courts and Tribunals Service data from the other statistics in this bulletin. See the section [3.6](#) for more information.

Further statistics, broken down by characteristics such as age at marriage/partnership, age at divorce/dissolution, duration and form of marriage/partnership, are available on the [Civil Justice Statistics in Scotland datasets](#) website within the [Divorces & Dissolutions Supplementary Tables](#). However, at the time of publishing this bulletin, we do not have the detailed divorce and dissolutions data to update the supplementary tables with 2017-18 figures.

### ***Divorce and dissolution of a civil partnership***

The [Civil Partnership Act 2004](#) came into force on 5 December 2005, allowing legal relationships between two people of the same sex to be formed. The first civil partnerships in Scotland were registered on 20 December 2005.

On 12 March 2014, The [Marriage and Civil Partnership \(Scotland\) Act 2014](#) received Royal Assent. Following this Act, the first same-sex marriage ceremonies took place in Scotland on 31 December 2014. In addition, couples in civil partnerships are able to change their relationship into a marriage.

The latest data on marriages and civil partnerships registered can be found in the [Marriages and Civil Partnerships](#) section of the National Records of Scotland website.

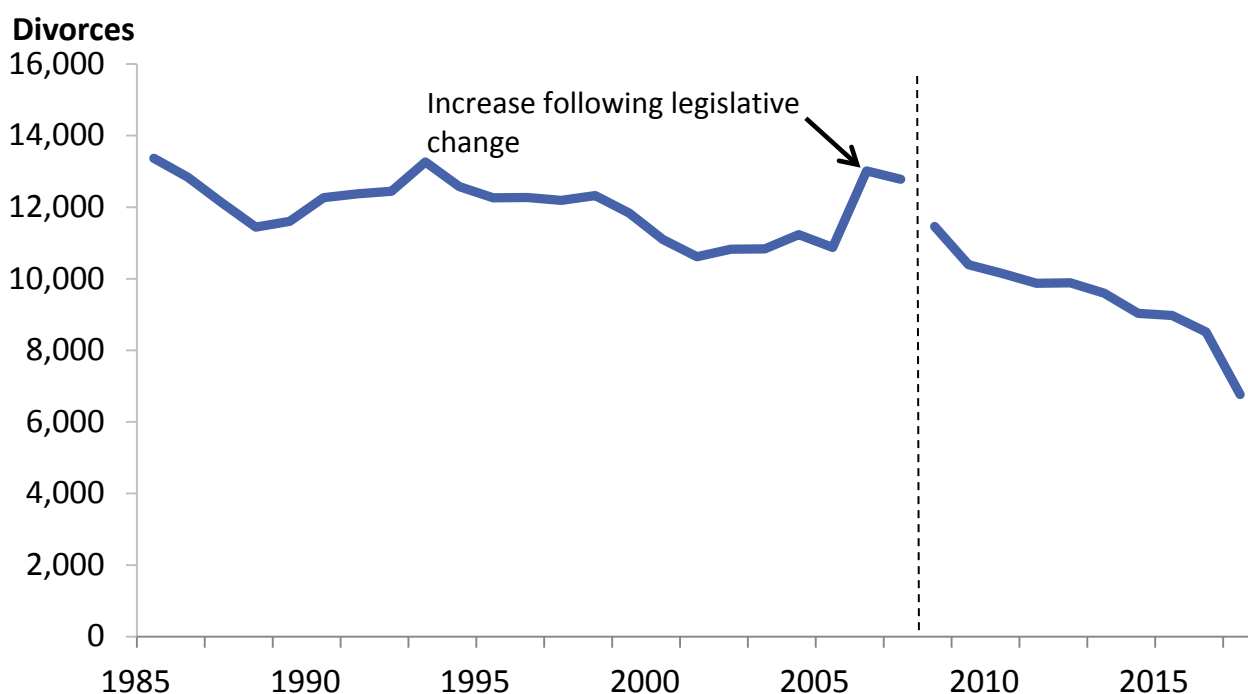
## Divorce & dissolution evidence

The number of divorces has been slowly decreasing from around 13,400 in 1985 to 6,800 in 2017 (Figure 9)<sup>10</sup>. The main exception to this trend was a sharp rise in divorces in 2006. This rise can be attributed to the reduction in non-cohabitation periods required to prove irretrievable breakdown of a marriage brought into force by the [Family Law \(Scotland\) Act 2006](#).

The total number of divorces **granted** in Scotland in 2017-18 was 6,873, 13% fewer than in 2016-17 (7,938) (Table 9). In 2017-18, 61% of divorces granted used the simplified procedure.

There were 61 civil partnership dissolutions **granted** in 2017-18, down from 83 in 2016-17 (Table 10). The vast majority of dissolutions granted in 2017-18 (92%) used the simplified procedure.

**Figure 9: Downward trend of divorces since 1985**



*Data prior to 2008 is for illustrative purposes*

<sup>10</sup> Data prior to 2008-09 cannot be compared directly with later data, and is discussed here only to provide historical context. For more information, see the [Quality of the statistics](#) section.

## 2.2.4 Personal injury

There was a 13% increase in personal injury cases initiated in 2017-18 compared to 2016-17

Just under 35% of personal injury cases were raised in the national Sheriff Personal Injury Court

Nearly three in five personal injury cases were in relation to road traffic accidents

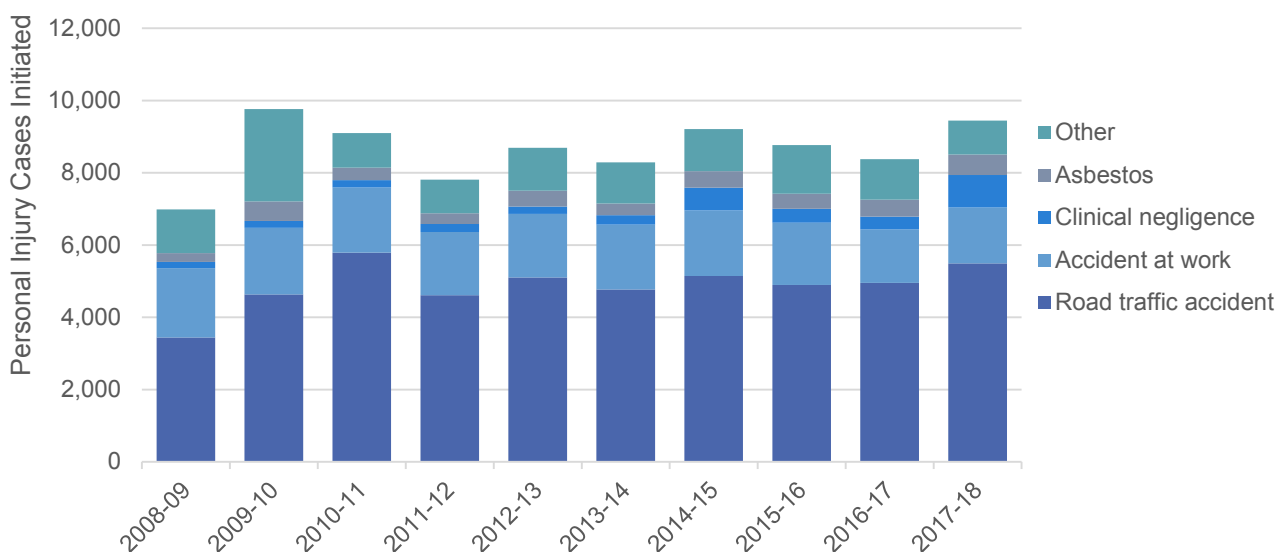
Personal injury can be physical and/or psychological, and include disease or impairment. Personal injuries may result from a wide range of causes including an injury received at work, a traffic accident, or through negligence or a deliberate act on the part of another party. A person who has suffered an injury can seek redress through several routes, such as making a complaint against the person/organisation they consider to be responsible for the injury, seeking assistance with any financial problems they have as a result of their injury, or seeking counselling. Alternatively, they may wish to claim compensation, provided certain criteria are met to cover losses they have suffered as a result of the injury.

A personal injury case is a form of damages case that relates specifically to damages for, or arising from, personal injuries or the death of a person from personal injuries. Other cases, for example defamation, are covered under damages in section 2.2.5.

### Evidence

Since 2009-10 there has been between 7,500 and 10,000 personal injury cases initiated as primary craves each year. There were 9,443 in 2017-18 – the highest level since 2010-11 (Table 13). However since there has been a high degree of variation over this period, this apparent change is within the bounds of expectation and not necessarily an indication of longer-term change.

**Figure 10: Road traffic and clinical negligence cases have increased since 2016-17**



The prevalence of personal injury cases as a proportion of all primary craves is up 1% from 2016-17, at 12%.

There has not been a large change in the procedures used to hear personal injury cases since 2016-17. Around one third are brought to the sheriff courts as summary cause, and a further third to the Sheriff Personal Injury Court. A quarter are brought under ordinary cause to the sheriff courts, and 5% to the Court of Session.

However, in some specific cases there are differences in how different types of Personal Injury are using procedures in the courts, as shown in [Figure 11](#).

The Sheriff Personal Injury Court is increasingly likely to cover accidents at work and Asbestos-related cases, with over 80% of these cases using the new court.

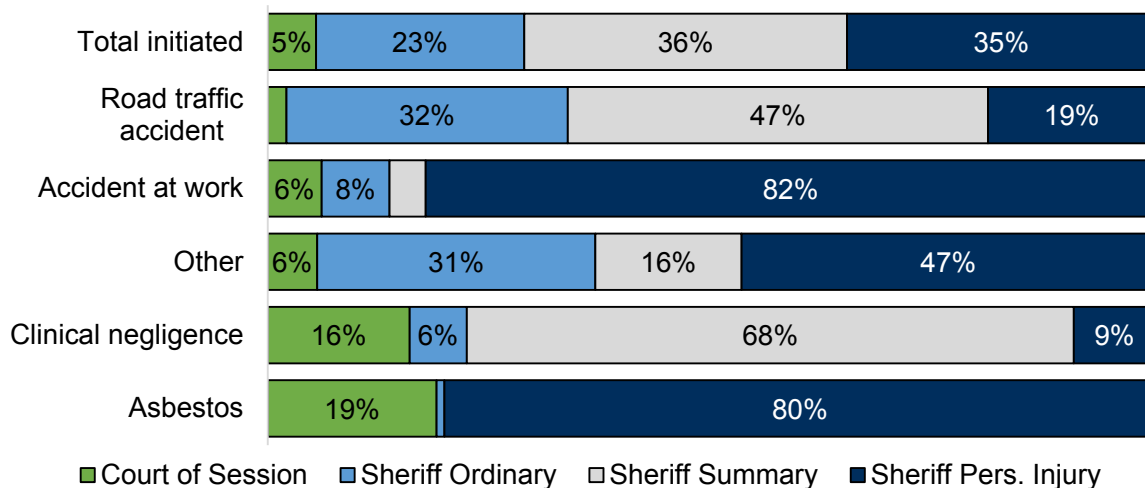
The majority of additional asbestos cases in 2017-18 (up 98 to 568) were initiated at the Sheriff Personal Injury Court. 80% of asbestos related cases were raised at this court, around the same proportion as in the previous year (79%) ([Table 17](#)).

There has been a small increase in accident at work cases since the previous year (up 67 to 1,547). A larger proportion of these were brought to the Sheriff Personal Injury Court, increasing from 77% to 82%.

There has been a large increase in the number of clinical negligence cases initiated since 2016-17, from 351 to 901 in 2017-18. Edinburgh Sheriff Court experienced an unusually high volume of summary cause clinical negligence initiations in 2017-18 ([Table 16](#)). Excluding these cases, the volume of business from clinical negligence would show a decrease from the previous year and division of business would be unchanged.

**Figure 11: Accidents at work and asbestos cases most likely use the new Sheriff Personal Injury Court**

Proportion of primary craves, 2017-18





## 2.2.5 Damages

The number of damages cases rose by 3% from 2016-17

Over three in four damages cases were initiated under simple procedure in 2017-18. 43% of the simple procedure cases disposed of were dismissed.

Around three in four damages cases disposed of in the Court of Session had a decree of absolvitor

Damages are a legal remedy that provide compensation for harmful actions suffered through the fault of another party, either an individual or an organisation. A claim for damages can arise from all sorts of circumstances and include (but is not limited to): defamation, breach of contract, damage to moveable property, negligence, breach of warranty or guarantee, breach of trust, wrongful diligence, wrongful interdict, malicious prosecution, wrongful apprehension or false imprisonment or fraudulent representation and personal injury. For the purpose of these statistics, the definition for damages does not include personal injuries, which are covered separately in section 2.2.4.

The purpose of a damages case is to provide a remedy by measuring, in financial terms, the harm suffered to restore an injured party, as far as practicable, to the position they were in beforehand. The court has responsibility for assessing the damage and agreeing or modifying the damages proposed by the pursuer as it sees fit.

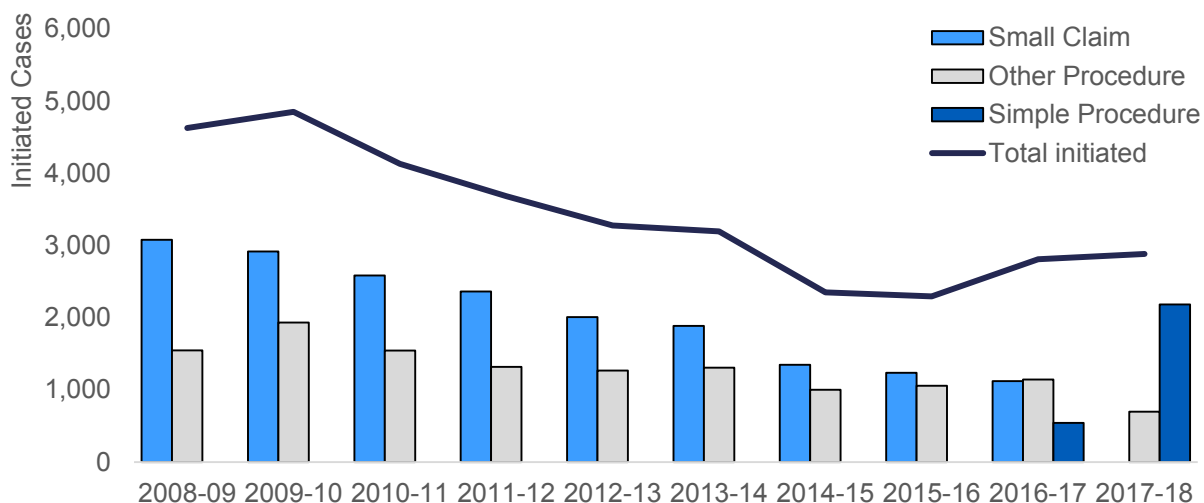
### **Evidence**

Between 2009-10 and 2015-16 there was a steady fall in the number of damages claims initiated as primary craves. Between 2015-16 and 2016-17 there was a 22% increase from the low of 2,296 to 2,810.

In 2017-18 there was a further, but much smaller, increase of 3% to 2,883 (Table 18).

Of the 2,883 damages actions initiated, just over 75% were brought to the sheriff court under the new Simple Procedure, up from 19% in the previous year. A very small number were under summary cause proceedings. 19% were brought to the sheriff court under ordinary cause procedures, down from 23% in 2016-17 (Figure 12).

**Figure 12: Damages cases show broad uptake of simple procedure**



## 2.2.6 Repossession

The number of repossession cases initiated rose for the first time in six years in 2017-18 (up 17% compared to 2016-17, but down 80% compared to 2008-09)

Repossession involves the retaking of property when a borrower is in breach or default of a mortgage or loan secured on the property. Repossession should not be confused with eviction which, for the purposes of these statistics, refers to the removal of tenants from a rented property (see section 2.2.2).

Historically, repossession cases relating to mortgages and loans were dealt with under ordinary cause procedure. However, the introduction of the [Home Owner and Debtor Protection \(Scotland\) Act 2010](#) on 30 September 2010 led to these cases being raised instead as summary applications. Where a repossession case relates to non-residential land or property, the action may be raised either as a summary application or as an ordinary action. If successful, the pursuer has the right to take possession of the property.

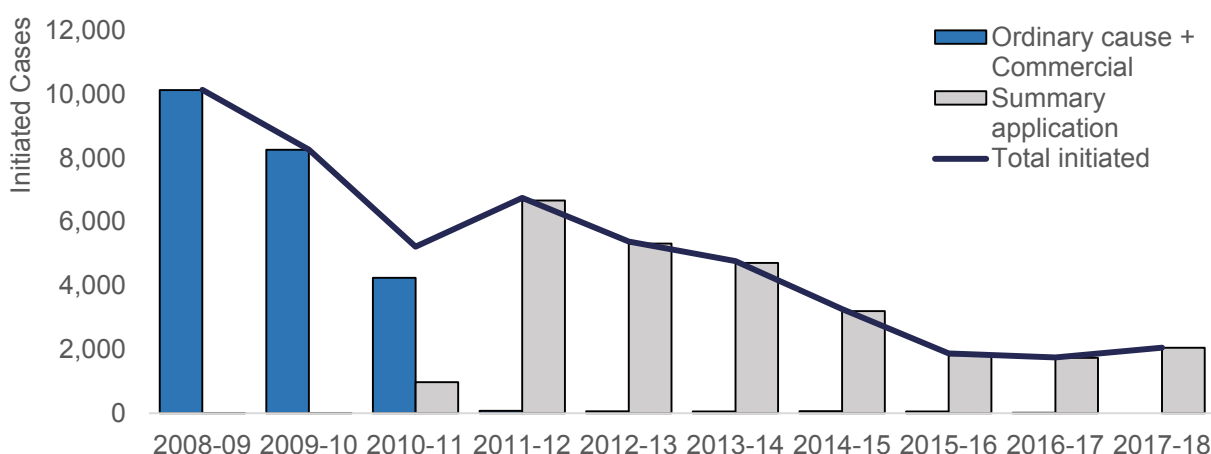
### Evidence

Between 2008-09 and 2010-11 the number of repossessions fell by nearly 50% (from 10,141 to 5,224). However, in 2011-12 we saw an increase of 29% (to 6,752) ([Table 20](#)). The low volume in 2010-11 coincides with the introduction of the 2010 Act referenced above and the transition to new procedures.

Between 2011-12 and 2016-17, there were consistent annual decreases in the number of repossessions. From the low of 1,753, there was an increase of around 300 in 2017-18 (17% increase) to 2,056.

In 2017-18, all repossessions were brought as summary applications to the Sheriff court, with none filed under ordinary cause for the first time.

**Figure 13: Repossession cases by procedure**



In 2017-18, 65% of repossession summary applications were granted ([Table 21](#)). It is important to note that the granting of a repossession case means the court has permitted repossession to take place, but the order may ultimately not be enforced.

## 2.3 Civil legal aid

In 2017-18, there were 13,093 civil legal aid grants, the vast majority of which were for cases in the sheriff courts

The Scottish Legal Aid Board (SLAB) administers legal aid, which is paid for out of public funds and helps towards the costs of legal advice and representation for those who qualify. It is designed to help individuals who would be unable to pay on their own to gain access to the legal system.

There are two main types of civil legal assistance: advice and assistance (including assistance by way of representation) and civil legal aid. Advice and assistance helps pay for advice from a solicitor on any matter of Scots law. Civil legal aid helps pay for a solicitor to take the case to court.

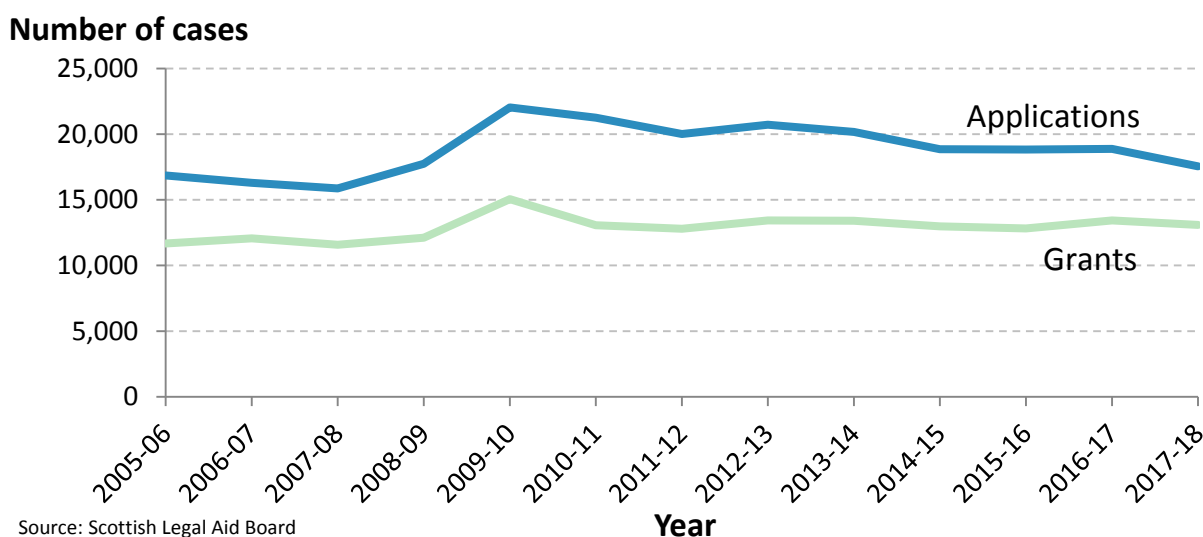
### **Evidence**

Civil legal aid made up 17% of all grants of total cost of legal assistance.

Demand for and expenditure on civil legal aid has decreased in recent years. [Figure 14](#) shows that the number of applications peaked in 2009-10. Demand then fell overall until 2014-15 when it stabilised for the next two years until this latest year when it fell again.

In 2017-18, there were 13,093 civil legal aid grants, the vast majority of which were for cases in the sheriff courts ([Table 28](#)). After steadily rising for over 10 years, legal aid grants in relation to intervention orders and guardianship orders under Part 6 of the [Adults with Incapacity \(Scotland\) Act 2000](#) now represent the largest category of legal aid certificates issued, at 35% of all grants. The next largest category is contact/parentage, which accounted for 20% of all grants in 2017-18.

**Figure 14: Civil legal aid applications and grants follow a similar trend<sup>11</sup>**



<sup>11</sup> Applications and grants in any one year may not relate to the same cases because of the interval between an application and a decision to grant. Also note that granted cases may not always proceed.

SLAB manages three grant funded programmes for projects across Scotland to enable support for people affected by repossession, eviction, debt problems and benefits disputes. In 2017-18 these programmes enabled 17,224 new clients to access help, including representation at court or tribunal on 6,469 occasions.

Further information and data on legal aid is available from the [Scottish Legal Aid Board Annual Report 2017-18](#).

## 3. Quality of the statistics

### 3.1 Overview

The large variety of case types and procedural outcomes that can be pursued in civil law mean that recording and reporting civil law court cases accurately and reliably is a challenge. The Scottish Government and the Scottish Courts and Tribunals Service (SCTS) have invested time over several years to identify key case data and how best to capture and record it.

The data supplied by the SCTS for this bulletin was extracted from both the electronic Case Management System (CMS) and Integrated Case Management System (iCMS). The CMS system will in time be completely replaced by the iCMS, which has handled sheriff courts data since 31 October 2016. The Court of Session will also move onto this new system.

The publication of civil law court statistics was suspended after *Civil Judicial Statistics Scotland 2002* because of a lack of precision in the definition of data items, which caused inconsistencies in the way courts captured and recorded civil data. The statistics published until then were deemed unreliable and potentially misleading. Extensive work has since been conducted to identify and rectify instances of inconsistent recording of data. Following improvements to data quality, publication of civil law statistics resumed in 2008-09. Users of civil law statistics were consulted to identify which data is most useful to them.

To assist with the on-going improvement of civil law statistics, a dedicated ScotStat group has been created. The objectives of this group are to:

- Identify the key strategic statistical information required by users
- Develop and implement a strategy for prioritising and meeting these needs

The group has membership across the civil law community and normally meets once or twice a year. If you are interested in joining the group, please contact us using the details provided at the end of this document. Links to the civil justice group are available within the [ScotStat](#) web pages.

### 3.2 Comparability of data

The statistics produced since 2008-09 have been assessed by the Scottish Government as being of sufficient quality to be published as Official Statistics. However, when using the statistics, the following points should be considered.

Because of how the data is recorded, if a case is appealed or reclaimed during the same month that it was disposed of, then the original disposal will not be counted. However, as there are very few appeals and reclaiming motions each month, this is not expected to have a significant impact on the statistics.

The civil justice statistics for 2017-18 can be compared with statistics for 2008-09 onwards. Due to inconsistencies in the data prior to April 2008 and changes in recording methods and definitions, the current series of statistics should not be directly compared with earlier data, which may be shown in this bulletin for illustrative purposes only.

### **3.3 Ordinary cause**

Prior to the introduction of iCMS for Sheriff Court cases in October 2016, the number of ordinary cause cases disposed of were underestimated. Analysis of data suspected to be inaccurate and collected between April 2008 and February 2010 found that about a fifth of the active ordinary cause cases may have been disposed of but were not marked as such in the electronic case management system. However, it could not be determined conclusively whether all the excess cases were in fact disposed of, as the analysed data was not representative of all data collected by the SCTS. The number of ordinary cases marked incorrectly is hence likely to be smaller than a fifth.

A number of cases initiated do not proceed beyond having the initial writ or summons registered with the court. These cases cannot be classed as disposed of as they can be resumed under certain circumstances. The analysis found that up to around a tenth of the ordinary cause cases studied had no further action after initiation.

A number of cases are sisted (suspended), either for a defined period or until the occurrence of a particular event. Again, these cases are not disposed of as they may be resumed in the future but the SCTS has investigated whether cases which have been sisted can be identified within the statistics. The analysis found that around a fifth of the ordinary cause cases studied were currently sisted.

Since iCMS went live, disposals data is captured using the date of decree which is more reliable than disposal markings. Analysis will be carried out in due course to determine the level of accuracy in this methodology.

### **3.4 Summary application**

The “other” category on the SCTS electronic case management system (CMS) includes a wide range of summary applications, but some courts are recording activities under this case type which in the future will not be recorded on CMS. These activities cannot be easily identified and excluded from the summary application case count, and as a result the total number of summary application cases cannot be calculated.

The number of cases disposed of by the sheriff courts as recorded under the CMS system is very likely to be an underestimate, but the extent of the undercount is not known and it would be either too resource-intensive or, for some case types, impossible to estimate. Further work will be carried out by the SCTS to determine if this problem still prevails with the iCMS system.

### **3.5 Court of Session – personal injury cases**

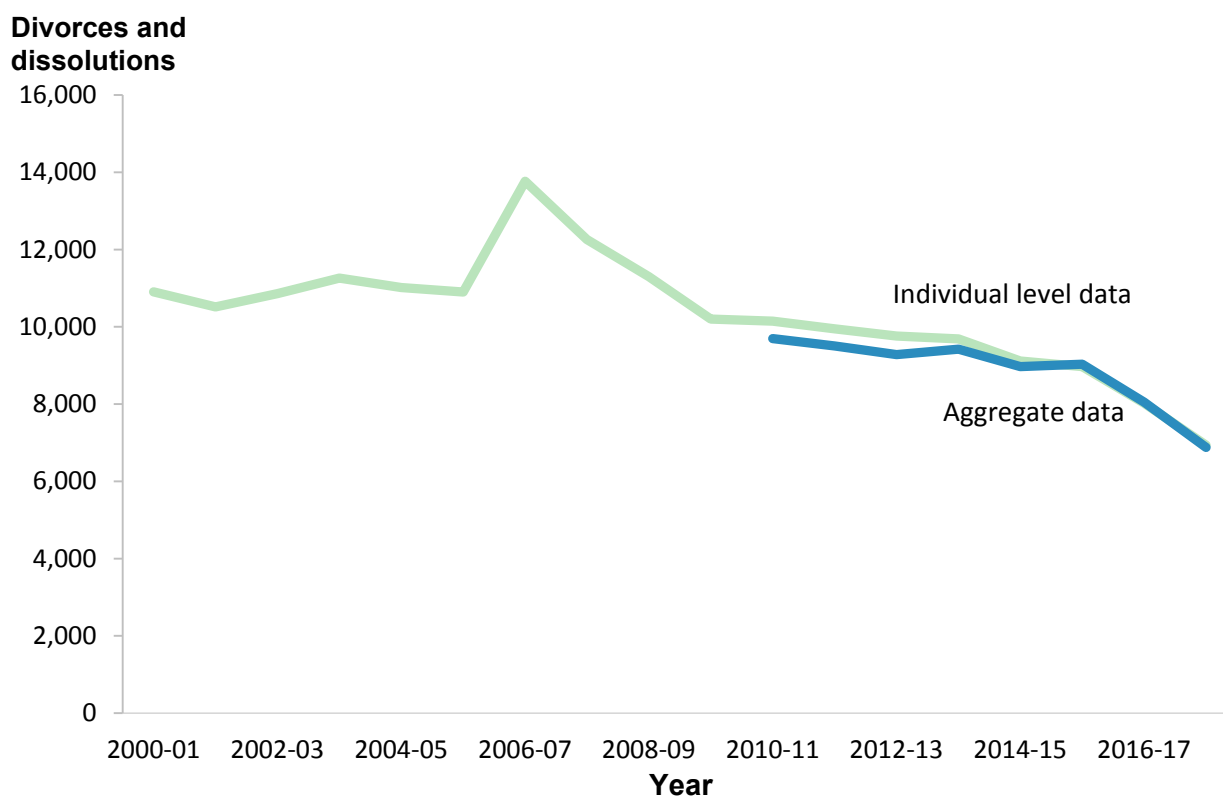
Personal injury cases within the Court of Session are raised under a specific court procedure. However, either party can request permission from the court to opt out of this procedure and use the standard ordinary procedure. When this happens, cases are transferred out and re-registered under the ordinary procedure where they are eventually disposed of.

### 3.6 Divorce and dissolution data sources

The divorce and dissolution statistics presented in [Table 9](#) and [Table 10](#) are derived from a different data source to the other statistics in this bulletin. Both data sources are based on information recorded by the SCTS but there are differences in the timing and processing of the two extracts.

These differences are small, as demonstrated by the comparison in [Figure 15](#) of the total number of divorces and dissolutions from each source. The statistics in [Table 9](#) and [Table 10](#) and the [Divorces & Dissolutions Supplementary Tables](#) are based on individual records that are updated on an on-going basis. The detail contained in this data enables the breakdown of cases granted by grounds, age, duration, marital status, method of celebration and gender. Note that at the time of publication, we do not have the complete data set to enable us to produce the divorces and dissolutions supplementary tables.

**Figure 15: Total number of divorces and dissolutions from individual-level and aggregate data**



## 4. Definitions

Given the complex nature of civil law, all descriptions and definitions given here are necessarily general in nature. They are intended to provide sufficient information to allow readers to understand civil law statistics but they are not official definitions.

### 4.1 Civil law case types

#### **Aliment**

Support or maintenance of a spouse / civil partner or child.

#### **Child in place of safety**

Warrant to continue keeping a child in a place of safety ([Children's Hearings \(Scotland\) Act 2011](#)). Now referred to as “extend/vary interim order”.

#### **Children’s hearings - appeal**

Appeal against the decision of a children's hearing ([Children's Hearings \(Scotland\) Act 2011](#)).

#### **Children’s hearings - referral**

Refer to the sheriff for a decision when the grounds for a children's hearing are denied or not understood by the child or relevant person ([Children's Hearings \(Scotland\) Act 2011](#)).

#### **Civil non-harassment order**

Restrain the conduct of a person ([Protection from Harassment Act 1997 §8 and §8A](#) (section s8A was added by the [Domestic Abuse \(Scotland\) Act 2011](#))).

#### **Confirmation**

Legal document from the court giving the executor(s) authority to uplift any money or other property belonging to a deceased person from the holder (such as the bank), and to administer and distribute it according to law.

#### **Commercial**

Actions arising out of, or concerned with, any transaction or dispute of a commercial or business nature which are carried out under specific commercial procedure.

#### **Company**

Actions relating to companies and how they operate, including liquidations.

#### **Damages**

Payment of money to compensate for non-personal loss or injury. For the purpose of the statistics in this bulletin, the definition for damages does not include damages for personal injuries, which are treated separately.

#### **Debt**

Payment of money, excluding damages and personal injury.

#### **Decree Dative**

Appointment of a person (known as an executor dative) to administer the estate of a deceased person, usually because they died without leaving a will.



**Delivery**

Delivery of moveable goods or property. An alternative crave for payment is sometimes included in the event that the goods or property are not returned.

**Eviction**

The taking of property by the owner from an occupier. The pursuer is the owner and the action is often, but not always, used as a result of rent arrears.

**Exclusion order - child's home**

Local authority application to exclude a person from a child's home ([Children \(Scotland\) Act 1995 §76](#)).

**Exclusion order - matrimonial**

Suspend the right of a spouse, civil partner or cohabitant to occupy the matrimonial home ([Matrimonial Homes \(Family Protection\) \(Scotland\) Act 1981 §4](#)).

**Extend/vary interim order**

Application to extend or vary interim compulsory supervision order ([Children's Hearings \(Scotland\) Act 2011](#)). Previously referred to in this bulletin as "child in place of safety".

**Implement**

Fulfil an obligation or duty.

**Intellectual property**

Infringement of copyright, patents, trademarks, etc.

**Interdict**

Prevent a particular action being carried out.

**Judicial review**

A remedy whereby the Court of Session may review and if necessary quash the decision of inferior courts, tribunals and other public offices and authorities where no other form of appeal is available.

**Land / heritable**

All actions relating to land or immoveable property.

**Liquidation**

Wind up and dissolve a corporate body.

**Nobile officium**

An ancient "noble office" or power of the Court of Session (and the High Court of Justiciary) which allows the Court to provide a legal remedy where none exists.

**Nullity of marriage / civil partnership**

Void a marriage / civil partnership.

**Parental responsibilities and rights**

All actions relating to parental responsibilities and rights under the [Children \(Scotland\) Act 1995 §11](#).

**Parental responsibilities and rights - contact**

Regulate the arrangements for maintaining personal relations between a child under 16 and a person with whom the child is not living ([Children \(Scotland\) Act 1995 §11\(2\)\(d\)](#)).

**Parental responsibilities and rights - residence**

Regulate the arrangements as to with whom a child under 16 is to live ([Children \(Scotland\) Act 1995 §11\(2\)\(c\)](#)).

**Parental responsibilities and rights - other**

Other actions relating to parental responsibilities and rights under the [Children \(Scotland\) Act 1995 §11](#), excluding contact and residence.

**Permanence order with authority to adopt**

Vest parental rights for a child in a local authority and permit the placement of the child for adoption in advance of the adoption order ([Adoption and Children \(Scotland\) Act 2007 §80](#)).

Permanence orders with authority to adopt replaced adoption freeing orders from September 2009. Any adoption freeing orders initiated before this date but disposed of during 2010-11 are included in the statistics for permanence orders with authority to adopt.

**Personal injury - asbestos - live mesothelioma**

Payment of money to compensate for personal loss or injury. Mesothelioma is a cancer of the cells that make up the lining around the outside of the lungs and inside of the ribs, or around the abdominal organs. A mesothelioma sufferer (or someone with a Power of Attorney for a mesothelioma sufferer) is the pursuer.

**Personal injury - asbestos - post mesothelioma**

Payment of money to compensate for personal loss or injury. Mesothelioma is a cancer of the cells that make up the lining around the outside of the lungs and inside of the ribs, or around the abdominal organs. A mesothelioma sufferer's relative or executor is the pursuer and the sufferer has died and did not initiate court action themselves.

**Personal injury - asbestos - pleural plaques**

Payment of money to compensate for personal loss or injury relating to asbestos-related pleural plaques - scarring of the membranes around the lungs.

**Personal injury - asbestos - pleural thickening**

Payment of money to compensate for personal loss or injury relating to asbestos-related pleural thickening. Pleural thickening can cause breathlessness, asbestosis of the lungs, lung cancer and mesothelioma.

**Personal Injury - asbestos - other**

Payment of money to compensate for personal loss or injury relating to other asbestos-related illnesses.

**Personal injury - clinical negligence**

Payment of money to compensate for personal loss or injury relating to clinical negligence.

**Personal injury - relative's claim**

Payment of money to compensate for personal loss or injury to a relative of someone who has died.

### **Personal injury - other**

Payment of money to compensate for other personal loss or injury.

### **Repossession**

Repossess a property in breach / default of a mortgage or loan secured on the property. These cases can be initiated under ordinary cause or summary application procedure. Following the introduction of the [Home Owner and Debtor Protection \(Scotland\) Act 2010](#) on 30 September 2010, all repossession cases relating to mortgages or loans secured on residential property are to be raised as summary applications. Previously, nearly all court actions of this type were made under ordinary cause procedure.

### **Succession**

Determine the rights of inheritance to a deceased person's estate.

### **Summary warrant**

Authorise the steps to be taken to ensure the recovery of money owed by one or more debtors to certain public creditors.

### **Suspension**

Suspend a charge.

### **Trusts**

Actions relating to the creation and administration of trusts.

## **4.2 Disposal types (first instance)**

### **Absolvitor**

An order which prevents the pursuer from bringing the same matter to court again. The majority of those orders will have been issued as a direct consequence of the parties coming to an out-of-court settlement.

### **Defended / undefended**

A case is defended if the defender lodges a notice of intention to defend or appear, or lodges answers. If the defender does not subsequently defend the case, the final disposal is still marked as defended. Decree can be awarded in favour of the defender even if the case is not defended. For example, the parties could settle out of court and ask for the case to be dismissed before the defender lodges a notice of intention to defend. This would be recorded in the statistics as "Dismissed, Undefended".

### **Dismissed (excluding appeals / reclaiming motions)**

Decree is granted in favour of the defender. The pursuer can raise further court action in relation to the same matter.

### **Dropped from roll**

The application is dropped from the roll. The pursuer can lodge a motion to recall the case. This usually occurs when the pursuer fails to return the application to court for the initial hearing date and no party attends.

The merits of the case are decided but the court reserves the question of expenses, which is dealt with at a later date. When expenses have been dealt with, the case is finally disposed of and the final disposal is recorded as Expenses Only.

**Expenses only (sheriff courts)**

Expenses are awarded to the pursuer, with the rest of the matter dropped.

**For petitioner / pursuer / respondent**

Decree is granted in favour of the petitioner / pursuer / respondent.

**Granted**

Decree is granted in favour of the pursuer.

**Opposed / unopposed (petition department)**

A petition is opposed if the respondent lodges answers. It cannot be determined from the statistics whether unopposed petitions were awarded in favour of the petitioner, respondent, etc.

**Refused (excluding appeals / reclaiming motions)**

The case is refused. This could be for a number of reasons, for example on the basis that the case is incompetent, it has no merit, it is not insisted upon, etc.

**Withdrawn**

The case is withdrawn by the pursuer. This could be for a number of reasons, for example the case is incompetent, it has no merit, the pursuer does not wish to take the matter any further, etc.

### **4.3 Disposal types (appeals and reclaiming motions)**

**Abandoned**

The appeal is abandoned and the original judgment stands.

**Adhered**

The original judgment is adhered to.

**Allowed**

The appeal is allowed and the original judgment is altered or reversed.

**Dismissed**

The appeal is not allowed and the original judgment is adhered to.

**Recalled**

The original judgment is recalled.

**Refused**

The appeal is refused and the original judgment is adhered to. Expenses only (Court of Session).

**Varied**

The original judgment is varied.

## 4.4 Glossary

### **Advocate**

A specialist lawyer who can represent clients in the senior courts, as opposed to a solicitor (although there is now a third category of lawyers known as “solicitor-advocates”). Advocates are similar to barristers in England and Wales.

### **Ancillary crave**

Any second and subsequent legal remedies requested by the pursuer / petitioner, as stated in the initial writ / summons.

### **Counsel**

Another term for an advocate or solicitor-advocate.

### **Decree**

The order of the judge or sheriff disposing of a case.

### **Defender / respondent**

The person or body against whom a case is raised.

### **Disposal**

Completion of a case following the issuing of a final judgment.

### **Initial writ / summons**

A form of document used to commence some court cases.

### **Initiation**

The registration of a case with the court.

### **Principal crave**

The first legal remedy requested by the pursuer / petitioner, as stated in the initial writ / summons, etc.

### **Pursuer / petitioner**

The person or body who is raising the court case. In simple procedure cases, the pursuer is known as the claimant.

### **Reclaiming motion**

Appeals from the Outer House of the Court of Session, which are raised in the Inner House.

### **Sisted**

Cases that have been suspended. Known as pause in simple procedure.

### **Summary Application**

Form of application in the sheriff court for a variety of statutory applications, including certain kinds of statutory appeal to the sheriff as distinct from an initial writ, small claims or summary cause.

## 5. Statistical tables

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**Table 1: Civil law cases initiated and disposed of<sup>1</sup> in the Court of Session<sup>2</sup>, sheriff courts<sup>3</sup> and Sheriff Personal Injury Court<sup>4</sup>, 2008-09 to 2017-18**

Cases		2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	% change since 2016-17	% change since 2008-09
<b>Initiated</b>	Court of Session	5,329	6,102	5,141	4,718	4,911	4,561	5,164	4,358	2,251	2,279	1	-57
	Sheriff courts	126,304	111,737	92,308	80,502	72,510	72,511	71,605	72,220	68,433	75,623	11	-40
	Sheriff Personal Injury Court	z	z	z	z	z	z	z	1,143	2,956	3,282	11	z
	<b>All courts</b>	<b>131,633</b>	<b>117,839</b>	<b>97,449</b>	<b>85,220</b>	<b>77,421</b>	<b>77,072</b>	<b>76,769</b>	<b>77,721</b>	<b>73,640</b>	<b>81,184</b>	<b>10</b>	<b>-38</b>
<b>Disposed</b>	Court of Session	4,022	4,356	4,295	4,856	4,712	4,911	4,782	4,405	3,162	2,564	-19	-36
	Sheriff courts	111,541	104,831	87,504	77,147	68,781	65,356	65,805	66,232	62,370	63,994	3	-43
	Sheriff Personal Injury Court	z	z	z	z	z	z	z	172	1,363	2,541	86	z
	<b>All courts</b>	<b>115,563</b>	<b>109,187</b>	<b>91,799</b>	<b>82,003</b>	<b>73,493</b>	<b>70,267</b>	<b>70,587</b>	<b>70,809</b>	<b>66,895</b>	<b>69,099</b>	<b>3</b>	<b>-40</b>

1. Figures for initiations and disposals do not necessarily refer to the same cases.
2. First instance business only – excludes appeals and reclaiming motions.
3. Excludes summary applications.
4. Sheriff Personal Injury Court was established on 22 September 2015.□
5. z refers to data not being applicable.



**Table 2: Cases initiated and disposed of<sup>1</sup> in the Court of Session, 2008-09 to 2017-18**

<b>Court of Session department</b>	<b>Cases</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>% change since 2016-17</b>	<b>% change since 2008-09</b>
<b>General Department</b>	Initiated	3,736	4,429	3,688	3,354	3,536	3,258	3,812	2,922	1,005	933	-7	-75
	Disposed	2,961	3,167	3,187	3,455	3,405	3,656	3,582	3,123	1,871	1,234	-34	-58
<b>Petition Department</b>	Initiated	1,473	1,555	1,358	1,223	1,211	1,179	1,213	1,268	1,083	1,201	11	-18
	Disposed	988	1,094	1,035	1,299	1,191	1,126	1,062	1,136	1,157	1,186	3	20
<b>Inner House<sup>2</sup></b>	Initiated	120	118	95	141	164	124	139	168	163	145	-11	21
	Disposed	73	95	73	102	116	129	138	146	134	144	7	97
<b>Total</b>	<b>Initiated</b>	<b>5,329</b>	<b>6,102</b>	<b>5,141</b>	<b>4,718</b>	<b>4,911</b>	<b>4,561</b>	<b>5,164</b>	<b>4,358</b>	<b>2,251</b>	<b>2,279</b>	<b>1</b>	<b>-57</b>
	<b>Disposed</b>	<b>4,022</b>	<b>4,356</b>	<b>4,295</b>	<b>4,856</b>	<b>4,712</b>	<b>4,911</b>	<b>4,782</b>	<b>4,405</b>	<b>3,162</b>	<b>2,564</b>	<b>-19</b>	<b>-36</b>

1. Figures for initiations and disposals do not necessarily refer to the same cases.

2. First instance business only – excludes appeals and reclaiming motions.

**Table 3: Cases<sup>1</sup> initiated and disposed of<sup>2</sup> in the sheriff courts<sup>3</sup>, by procedure, 2008-09 to 2017-18**

<b>Cases</b>	<b>Procedure</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>% change since 2016-17</b>	<b>% change since 2008-09</b>
<b>Initiated</b>	Ordinary cause	46,477	42,823	34,123	26,021	24,957	24,026	23,628	23,212	22,672	22,620	0	-51
	Summary cause <sup>4</sup>	32,736	27,464	23,799	22,783	18,510	18,852	20,624	22,160	20,214	18,057	-11	-45
	Small claim <sup>4, 5</sup>	47,091	41,450	34,386	31,698	29,043	29,633	27,353	26,848	18,857	32	-100	-100
	Simple procedure <sup>4</sup>	z	z	z	z	z	z	z	z	6,690	34,914	z	z
	<b>Total initiated</b>	<b>126,304</b>	<b>111,737</b>	<b>92,308</b>	<b>80,502</b>	<b>72,510</b>	<b>72,511</b>	<b>71,605</b>	<b>72,220</b>	<b>68,433</b>	<b>75,623</b>	<b>11</b>	<b>-40</b>
<b>Disposed</b>	Ordinary cause	38,902	33,911	29,768	23,410	20,733	19,575	18,768	19,102	17,210	16,123	-6	-59
	Summary cause <sup>4</sup>	31,231	27,568	24,036	22,434	19,831	17,876	18,984	20,638	20,557	16,647	-19	-47
	Small claim	41,408	43,352	33,700	31,303	28,217	27,905	28,053	26,492	23,571	1,327	-94	-97
	Simple procedure <sup>4</sup>	z	z	z	z	z	z	z	z	1,032	29,897	z	z
	<b>Total disposed</b>	<b>111,541</b>	<b>104,831</b>	<b>87,504</b>	<b>77,147</b>	<b>68,781</b>	<b>65,356</b>	<b>65,805</b>	<b>66,232</b>	<b>62,370</b>	<b>63,994</b>	<b>3</b>	<b>-43</b>

1. Excludes summary applications.

2. Figures for initiations and disposals do not necessarily refer to the same cases.

3. Excludes Sheriff Personal Injury Court.

4. The first phase of simple procedure replaced the small claims and the more straightforward cases under summary cause procedure from 28 November 2016. More complex summary cause cases will move during phase two of simple procedure in due course.

5. There are still a small number of small claims cases being registered, mainly under the EU small claims procedure.

**Table 4: Cases<sup>1</sup> initiated and disposed of<sup>2</sup> in the sheriff courts<sup>3</sup>, by sheriffdom, 2008-09 to 2017-18**

Cases	Sheriffdom	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	% change		cases per 1,000 population <sup>4</sup>
												since 2016-17	since 2008-09	
<b>Initiated</b>	Tayside, Central and Fife	22,456	20,204	16,816	14,759	14,006	13,590	13,806	13,478	12,263	14,163	15	-37	13
	Glasgow and Strathkelvin	24,919	22,389	17,784	16,305	14,313	13,433	11,517	11,853	12,514	14,074	12	-44	19
	South Strathclyde, Dumfries and Galloway	22,949	19,457	16,869	14,171	12,968	12,870	12,929	14,028	13,404	14,337	7	-38	16
	Lothian and Borders	24,469	21,439	16,211	14,148	11,554	11,755	13,022	12,552	11,016	12,587	14	-49	13
	North Strathclyde	17,177	14,907	12,954	10,577	9,932	10,447	10,096	10,286	9,715	10,521	8	-39	13
	Grampian, Highlands and Islands	14,334	13,341	11,674	10,542	9,737	10,416	10,235	10,023	9,521	9,941	4	-31	11
	<b>Scotland total initiated</b>	<b>126,304</b>	<b>111,737</b>	<b>92,308</b>	<b>80,502</b>	<b>72,510</b>	<b>72,511</b>	<b>71,605</b>	<b>72,220</b>	<b>68,433</b>	<b>75,623</b>	<b>11</b>	<b>-40</b>	<b>14</b>
<b>Disposed</b>	Tayside, Central and Fife	20,160	18,730	16,081	14,343	13,268	12,476	12,782	13,079	11,504	12,434	8	-38	11
	Glasgow and Strathkelvin	21,315	20,059	16,134	15,630	13,544	11,828	10,303	10,139	9,961	11,879	19	-44	16
	South Strathclyde, Dumfries and Galloway	20,829	18,759	15,979	13,749	12,466	11,801	11,655	12,524	12,022	12,244	2	-41	14
	Lothian and Borders	20,384	20,948	15,957	13,494	11,595	11,029	11,700	11,538	10,435	9,528	-9	-53	9
	North Strathclyde	15,687	13,455	12,218	9,921	8,803	8,949	9,590	9,358	8,911	8,985	1	-43	11
	Grampian, Highlands and Islands	13,166	12,880	11,135	10,010	9,105	9,273	9,775	9,594	9,537	8,924	-6	-32	10
	<b>Scotland total disposed</b>	<b>111,541</b>	<b>104,831</b>	<b>87,504</b>	<b>77,147</b>	<b>68,781</b>	<b>65,356</b>	<b>65,805</b>	<b>66,232</b>	<b>62,370</b>	<b>63,994</b>	<b>3</b>	<b>-43</b>	<b>12</b>

1. Excludes summary applications.

2. Figures for initiations and disposals do not necessarily refer to the same cases.

3. Excludes Sheriff Personal Injury Court.

4. Based on mid-2017 small area population estimates produced by National Records of Scotland.

**Table 5: Family procedure cases<sup>1</sup> initiated and disposed of<sup>2</sup> in the civil courts<sup>3</sup>, by case type, 2008-09 to 2017-18**

Cases	Case type	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	% change	
												since 2016-17	since 2008-09
<b>Initiated</b>	Divorce / dissolution	11,752	11,159	11,018	10,678	10,355	10,573	10,301	9,981	10,112	9,459	-6	-20
	Parental responsibilities & rights	2,364	2,742	2,713	2,272	2,751	2,479	2,587	2,240	2,433	2,416	-1	2
	Interdict	381	409	262	329	370	352	292	278	265	310	17	-19
	Aliment	82	88	89	69	58	77	65	49	46	48	4	-41
	Exclusion order	7	18	26	14	14	16	19	14	10	8	-20	14
	Nullity of marriage / civil partnership	0	0	2	1	0	0	1	0	1	1	0	z
	Other	250	317	386	316	314	356	340	330	383	410	7	64
	<b>Total initiated</b>	<b>14,836</b>	<b>14,733</b>	<b>14,496</b>	<b>13,679</b>	<b>13,862</b>	<b>13,853</b>	<b>13,605</b>	<b>12,892</b>	<b>13,250</b>	<b>12,652</b>	<b>-5</b>	<b>-15</b>
<b>Disposed</b>	Divorce / dissolution	11,538	10,750	10,115	9,879	9,571	9,809	9,349	9,390	8,415	7,222	-14	-37
	Parental responsibilities & rights	1,276	1,416	1,596	1,542	1,638	1,634	1,575	1,613	1,624	1,738	7	36
	Interdict	93	134	140	137	166	146	152	158	146	156	7	68
	Aliment	55	46	50	64	32	54	40	36	40	31	-23	-44
	Exclusion order	11	4	8	6	6	8	4	8	6	5	-17	-55
	Nullity of marriage / civil partnership	0	0	2	2	0	1	0	1	2	0	-100	z
	Other	177	198	216	234	210	228	203	236	231	283	23	60
	<b>Total disposed</b>	<b>13,150</b>	<b>12,548</b>	<b>12,127</b>	<b>11,864</b>	<b>11,623</b>	<b>11,880</b>	<b>11,323</b>	<b>11,442</b>	<b>10,464</b>	<b>9,435</b>	<b>-10</b>	<b>-28</b>

1. Excludes family-related summary application cases, which are shown separately in Table 8.

2. Figures for initiations and disposals do not necessarily refer to the same cases.

3. Includes Court of Session and sheriff courts.

4. z refers to data not being applicable.

**Table 6: Family procedure cases initiated and disposed<sup>1</sup> of in the Court of Session<sup>2</sup>, by case type 2017-18**

Case type	Initiated	Disposed	Disposed							
			Absolvitor	Dismissed		For pursuer		Expenses only		Other
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
<b>Aliment</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Divorce / dissolution</b>	<b>77</b>	<b>59</b>	<b>0</b>	<b>4</b>	<b>1</b>	<b>8</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>30</b>
<i>Ordinary divorce</i>	47	31	0	4	1	8	16	0	0	2
<i>Simplified divorce</i>	29	27	0	0	0	0	0	0	0	27
<i>Ordinary dissolution</i>	0	0	0	0	0	0	0	0	0	0
<i>Simplified dissolution</i>	1	1	0	0	0	0	0	0	0	1
<b>Exclusion order<sup>3</sup></b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Interdict</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Nullity of marriage / civil partnership</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Parental responsibilities &amp; rights</b>	<b>2</b>	<b>5</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>
<i>Contact</i>	2	3	0	1	0	0	1	0	0	1
<i>Residence</i>	0	1	0	0	0	0	0	0	0	1
<i>Other</i>	0	1	0	1	0	0	0	0	0	0
<b>Other</b>	<b>4</b>	<b>11</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>87</b>	<b>78</b>	<b>4</b>	<b>8</b>	<b>2</b>	<b>9</b>	<b>22</b>	<b>0</b>	<b>0</b>	<b>33</b>

1. Figures for initiations and disposals do not necessarily refer to the same cases.

2. First instance business only – excludes appeals and reclaiming motions.

3. Exclusion orders which suspend the right of a spouse, civil partner or cohabitant to occupy the family home.

**Table 7: Family procedure cases initiated and disposed<sup>1</sup> of in the sheriff courts, by case type 2017-18**

Case type	Initiated	Disposed	Disposed						
			Absolutor	For pursuer		Granted	Dismissed <sup>3</sup>	Expenses only <sup>3</sup>	Other
				Defended	Undefended				
<b>Aliment</b>	<b>48</b>	<b>29</b>	<b>1</b>	<b>6</b>	<b>2</b>	<b>0</b>	<b>19</b>	<b>0</b>	<b>1</b>
<b>Divorce / dissolution</b>	<b>9,382</b>	<b>7,163</b>	<b>0</b>	<b>239</b>	<b>2,389</b>	<b>4,226</b>	<b>287</b>	<b>1</b>	<b>21</b>
<i>Ordinary divorce</i>	3,852	2,750	0	239	2,384	0	105	1	21
<i>Simplified divorce</i>	5,452	4,352	0	0	0	4,171	181	0	0
<i>Ordinary dissolution</i>	13	5	0	0	5	0	0	0	0
<i>Simplified dissolution</i>	65	56	0	0	0	55	1	0	0
<b>Exclusion order<sup>2</sup></b>	<b>8</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>
<b>Interdict</b>	<b>306</b>	<b>155</b>	<b>1</b>	<b>36</b>	<b>50</b>	<b>1</b>	<b>63</b>	<b>0</b>	<b>4</b>
<b>Nullity of marriage / civil partnership</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Parental responsibilities &amp; rights</b>	<b>2,414</b>	<b>1,733</b>	<b>3</b>	<b>554</b>	<b>452</b>	<b>58</b>	<b>580</b>	<b>1</b>	<b>85</b>
<i>Contact</i>	1,196	824	1	316	70	7	396	1	33
<i>Residence</i>	805	554	2	158	196	50	109	0	39
<i>Other</i>	413	355	0	80	186	1	75	0	13
<b>Other</b>	<b>406</b>	<b>272</b>	<b>17</b>	<b>61</b>	<b>77</b>	<b>1</b>	<b>108</b>	<b>0</b>	<b>8</b>
<b>Total</b>	<b>12,565</b>	<b>9,357</b>	<b>22</b>	<b>897</b>	<b>2,971</b>	<b>4,286</b>	<b>1,060</b>	<b>2</b>	<b>119</b>

1. Figures for initiations and disposals do not necessarily refer to the same cases.

2. Exclusion orders which suspend the right of a spouse, civil partner or cohabitant to occupy the family home.

3. Data from the new case management system is not currently split between 'defended' and 'undefended', therefore these have been combined into a single category.

**Table 8: Family-related summary application cases initiated and disposed of<sup>1,2</sup>, by case type and final disposal, 2017-18**

Case type	Initiated	Disposed	Disposed			
			Granted	Dismissed	Refused	Other
Adoption Petitions <sup>3</sup>	533	211	206	4	0	1
Extend/vary interim order <sup>4</sup>	3,164	643	574	66	1	2
Children's hearings – appeal <sup>4</sup>	845	231	63	30	75	63
Children's hearings – referral <sup>4</sup>	2,927	1,164	1,060	99	0	5
Children's Hearings Act 2011 - Other <sup>5</sup>	1,317	431	372	52	6	1
Permanence orders with authority to adopt	388	195	175	19	1	0

1. Figures for initiations and disposals do not necessarily refer to the same cases.
2. The number of summary application cases disposed of is likely an underestimate. For more information see the Civil Justice Statistics in Scotland 2017-18 bulletin (section 4.4).
3. Adoption petitions include both family adoptions and adoptions from care. Statistics on adoptions from care are available from Children's Social Work Statistics additional tables (see [www.gov.scot/Topics/Statistics/Browse/Children/PubChildrenSocialWork](http://www.gov.scot/Topics/Statistics/Browse/Children/PubChildrenSocialWork)).
4. These case types represent equivalent actions from the Children (Scotland) Act 1995 and the Children's Hearings (Scotland) Act 2011. The statistics reported here differ from those reported by the Scottish Children's Reporter Administration due to differences in definition and timing.
5. "Other" includes Child Protection Order, Child Support, Child Assessment Order as well as a range of cases.

**Table 9: Divorces granted<sup>1</sup> in the civil courts by procedure, 2011-12 to 2017-18**

<b>Year</b>	<b>Court</b>	<b>Ordinary</b>	<b>Simplified</b>	<b>Total</b>
<b>2017-18</b>	Court of Session	32	26	58
	Sheriff courts <sup>2</sup>	2,644	4,171	6,815
	<b>Total</b>	<b>2,676</b>	<b>4,197</b>	<b>6,873</b>
<b>2016-17</b>	Court of Session	38	36	74
	Sheriff courts <sup>2</sup>	3,088	4,776	7,864
	<b>Total</b>	<b>3,126</b>	<b>4,812</b>	<b>7,938</b>
<b>2015-16</b>	Court of Session	35	69	104
	Sheriff courts	3,301	5,470	8,771
	<b>Total</b>	<b>3,336</b>	<b>5,539</b>	<b>8,875</b>
<b>2014-15</b>	Court of Session	24	74	98
	Sheriff courts	3,365	5,573	8,938
	<b>Total</b>	<b>3,389</b>	<b>5,647</b>	<b>9,036</b>
<b>2013-14</b>	Court of Session	28	52	80
	Sheriff courts	3,692	5,854	9,546
	<b>Total</b>	<b>3,720</b>	<b>5,906</b>	<b>9,626</b>
<b>2012-13</b>	Court of Session	34	73	107
	Sheriff courts	3,940	5,647	9,587
	<b>Total</b>	<b>3,974</b>	<b>5,720</b>	<b>9,694</b>
<b>2011-12</b>	Court of Session	26	75	101
	Sheriff courts	4,053	5,749	9,802
	<b>Total</b>	<b>4,079</b>	<b>5,824</b>	<b>9,903</b>

1. The statistics in this table and Table 10 do not equal the total number of disposals for divorce and dissolution shown in Table 6 and Table 7. This is because the statistics in Table 6 and Table 7 include all disposals of divorce/dissolution cases whereas this table and Table 10 only include divorces and dissolutions that were actually granted. In addition the statistics in this table and Table 10 were derived from a different data extract.
2. Sheriff courts statistics for 2016-17 and 2017-18 are provisional, and similarly total divorces granted for the same period. These may be subject to change in due course.



**Table 10: Dissolutions granted<sup>1</sup> in the civil courts by procedure, 2011-12 to 2017-18**

<b>Year</b>	<b>Court</b>	<b>Ordinary</b>	<b>Simplified</b>	<b>Total</b>
<b>2017-18</b>	Court of Session	0	1	1
	Sheriff courts <sup>2</sup>	5	55	60
	<b>Total</b>	<b>5</b>	<b>56</b>	<b>61</b>
<b>2016-17</b>	Court of Session	0	5	5
	Sheriff courts <sup>2</sup>	3	75	78
	<b>Total</b>	<b>3</b>	<b>80</b>	<b>83</b>
<b>2015-16</b>	Court of Session	1	2	3
	Sheriff courts	5	88	93
	<b>Total</b>	<b>6</b>	<b>90</b>	<b>96</b>
<b>2014-15</b>	Court of Session	0	2	2
	Sheriff courts	3	76	79
	<b>Total</b>	<b>3</b>	<b>78</b>	<b>81</b>
<b>2013-14</b>	Court of Session	0	3	3
	Sheriff courts	7	51	58
	<b>Total</b>	<b>7</b>	<b>54</b>	<b>61</b>
<b>2012-13</b>	Court of Session	0	3	3
	Sheriff courts	4	60	64
	<b>Total</b>	<b>4</b>	<b>63</b>	<b>67</b>
<b>2011-12</b>	Court of Session	0	3	3
	Sheriff courts	3	40	43
	<b>Total</b>	<b>3</b>	<b>43</b>	<b>46</b>

1. The statistics in this table and Table 9 do not equal the total number of disposals for divorce and dissolution shown in Table 6 and Table 7. This is because the statistics in Table 6 and Table 7 include all disposals of divorce/dissolution cases whereas this table and Table 9 only include divorces and dissolutions that were actually granted. In addition the statistics in this table and Table 9 were derived from a different data extract.
2. Sheriff courts statistics for 2016-17 and 2017-18 are provisional, and similarly total divorces granted for the same period. These may be subject to change in due course.

**Table 11: Debt cases initiated and disposed of<sup>1</sup> in the civil courts, by case type, 2008-09 to 2017-18**

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	% change since 2016-17	% change since 2008-09
<b>Initiated</b>	Court of Session <sup>2</sup>	23	1	4	8	6	5	70	8	6	14	133	-39
	Sheriff: ordinary cause	14,669	12,054	9,200	6,944	5,487	4,586	4,407	5,342	4,483	5,012	12	-66
	Sheriff: commercial	400	318	223	266	222	241	378	335	259	249	-4	-38
	Sheriff: summary cause <sup>3</sup>	7,157	5,307	4,415	3,922	3,381	3,114	3,258	3,896	2,336	5	-100	-100
	Sheriff: small claim <sup>3, 4</sup>	43,549	38,251	31,533	29,110	26,803	27,444	25,642	25,338	17,522	7	-100	-100
	Sheriff: simple procedure <sup>3</sup>	z	z	z	z	z	z	z	z	5,961	32,077	z	z
	<b>Total initiated</b>	<b>65,798</b>	<b>55,931</b>	<b>45,375</b>	<b>40,250</b>	<b>35,899</b>	<b>35,390</b>	<b>33,755</b>	<b>34,919</b>	<b>30,567</b>	<b>37,364</b>	<b>22</b>	<b>-43</b>
<b>Disposed</b>	Court of Session <sup>2</sup>	28	16	2	2	2	6	4	8	13	8	-38	-71
	Sheriff: ordinary cause	12,553	10,150	7,729	5,885	4,534	3,566	3,520	3,902	3,560	3,356	-6	-73
	Sheriff: commercial	252	231	166	175	117	143	303	222	183	162	-11	-36
	Sheriff: summary cause <sup>3</sup>	7,097	5,772	4,337	3,884	3,324	2,906	3,199	3,490	3,024	284	-91	-96
	Sheriff: small claim <sup>3, 4</sup>	38,594	40,347	31,026	28,934	26,023	25,876	26,319	24,953	22,149	1,214	-95	-97
	Sheriff: simple procedure <sup>3</sup>	z	z	z	z	z	z	z	z	962	27,549	z	z
	<b>Total disposed</b>	<b>58,524</b>	<b>56,516</b>	<b>43,260</b>	<b>38,880</b>	<b>34,000</b>	<b>32,497</b>	<b>33,345</b>	<b>32,575</b>	<b>29,891</b>	<b>32,573</b>	<b>9</b>	<b>-44</b>

1. Figures for initiations and disposals do not necessarily refer to the same cases.

2. First instance business only – excludes appeals and reclaiming motions.

3. The first phase of simple procedure replaced the small claims and the more straightforward cases under summary cause procedure from 28 November 2016.

More complex summary cause cases will move during phase two of simple procedure in due course.

4. There are still a small number of small claims cases being registered mainly under the EU small claims procedure.

**Table 12: Debt cases initiated and disposed of<sup>1</sup> in the civil courts, by case type and final disposal, 2017-18**

Case type	Initiated	Disposed	Disposed						
			Absolutor	For pursuer		Decree by default	Dismissed <sup>2</sup>	Expenses only <sup>2</sup>	Other
				Defended	Undefended				
Court of Session <sup>3</sup>	14	8	5	0	0	0	2	0	1
Sheriff: ordinary cause	5,012	3,356	410	190	2,221	46	466	0	23
Sheriff: commercial	249	162	31	13	97	3	18	0	0
Sheriff: summary cause <sup>4</sup>	5	284	39	37	82	3	115	0	8
Sheriff: small claim <sup>4</sup>	7	1,214	102	94	392	10	602	0	14
Sheriff: simple procedure <sup>4</sup>	32,077	27,549	537	1,326	17,607	1	7,862	198	18
<b>Total</b>	<b>37,364</b>	<b>32,573</b>	<b>1,124</b>	<b>1,660</b>	<b>20,399</b>	<b>63</b>	<b>9,065</b>	<b>198</b>	<b>64</b>

1. Figures for initiations and disposals do not necessarily refer to the same cases.

2. Data from the new case management system is not currently split between 'defended' and 'undefended', therefore these have been combined into a single category.

3. First instance business only – excludes appeals and reclaiming motions.

4. The first phase of simple procedure replaced the small claims and the more straightforward cases under summary cause procedure from 28 November 2016.

More complex summary cause cases will move during phase two of simple procedure in due course.

**Table 13: Personal injury cases initiated and disposed of<sup>1</sup> in the civil courts<sup>2</sup>, by case type, 2008-09 to 2017-18**

Cases	Case type	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	% change since	% change
												2016-17	since 2008-09
<b>Initiated</b>	Road traffic accident	3,441	4,635	5,790	4,613	5,106	4,770	5,143	4,897	4,955	5,492	11	60
	Accident at work	1,921	1,844	1,802	1,750	1,758	1,797	1,817	1,721	1,480	1,547	5	-19
	Clinical negligence	173	189	207	222	203	262	629	388	351	901	157	421
	Asbestos <sup>3</sup>	242	541	345	294	436	320	458	413	470	568	21	135
	Other <sup>3</sup>	1,211	2,557	955	931	1,190	1,138	1,163	1,347	1,122	935	-17	-23
	<b>Total initiated</b>	<b>6,988</b>	<b>9,766</b>	<b>9,099</b>	<b>7,810</b>	<b>8,693</b>	<b>8,287</b>	<b>9,210</b>	<b>8,766</b>	<b>8,378</b>	<b>9,443</b>	<b>13</b>	<b>35</b>
<b>Disposed</b>	Road traffic accident	1,588	2,977	4,607	4,619	4,130	3,893	3,970	4,197	3,630	4,382	21	176
	Accident at work	1,343	1,596	1,529	1,627	1,570	1,653	1,623	1,560	1,205	1,328	10	-1
	Clinical negligence	32	104	124	133	154	178	195	238	232	231	0	622
	Asbestos <sup>3</sup>	214	181	168	216	365	598	633	430	531	589	11	175
	Other <sup>3</sup>	2,193	1,343	1,074	1,775	1,444	1,079	941	1,108	994	867	-13	-60
	<b>Total disposed</b>	<b>5,370</b>	<b>6,201</b>	<b>7,502</b>	<b>8,370</b>	<b>7,663</b>	<b>7,401</b>	<b>7,362</b>	<b>7,533</b>	<b>6,592</b>	<b>7,397</b>	<b>12</b>	<b>38</b>

1. Figures for initiations and disposals do not necessarily refer to the same cases.

2. Includes Court of Session, sheriff courts and Sheriff Personal Injury Court.

3. Pleural plaques figures were incorrectly included within the 'Other' category instead of 'Asbestos' for 2015-16 and 2016-17.

The data has now been corrected.

**Table 14: Personal injury cases<sup>1</sup> initiated and disposed<sup>2</sup> of in the Court of Session<sup>3</sup>, 2017-18**

Case type	Initiated	Disposed	Disposed							
			Absolutor	Dismissed		For pursuer		Expenses only		Other
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Road traffic accident	116	130	99	1	0	24	1	0	0	5
Accident at work <sup>4</sup>	94	137	104	0	0	22	1	1	0	9
Clinical negligence	144	121	93	3	0	22	0	0	0	3
Asbestos <sup>5</sup>	108	218	169	2	0	38	1	0	0	8
Other <sup>6</sup>	52	78	59	2	1 0	8	3 0	0	0	5
<b>Total</b>	<b>514</b>	<b>684</b>	<b>524</b>	<b>8</b>	<b>1</b>	<b>114</b>	<b>6</b>	<b>1</b>	<b>0</b>	<b>30</b>

1. These statistics relate to cases that use personal injury procedure and standard ordinary cause procedure.
2. Figures for initiations and disposals do not necessarily refer to the same cases.
3. First instance business only – excludes appeals and reclaiming motions.
4. Accident at work includes vibration white finger and repetitive strain injury.
5. Asbestos includes all asbestos related conditions like asbestosis, pleural plaques, pleural thickening and mesothelioma.
6. Relative's claim is now included within 'Other'.

**Table 15: Ordinary cause personal injury cases initiated and disposed of<sup>1,2</sup> in the sheriff courts<sup>3</sup>, 2017-18**

Case type	Initiated	Disposed	Disposed					
			Absolutor	For pursuer		Decree by default	Dismissed <sup>4</sup>	Other
				Defended	Undefended			
Road traffic accident	1,740	1,253	392	720	83	5	46	7
Accident at work	118	131	78	38	4	0	10	1
Clinical negligence	58	59	42	6	1	0	10	0
Asbestos	5	7	3	3	0	0	1	0
Slip, trip or fall	176	105	58	35	4	0	7	1
Other	117	162	76	60	5	1	20	0
<b>Total</b>	<b>2,214</b>	<b>1,717</b>	<b>649</b>	<b>862</b>	<b>97</b>	<b>6</b>	<b>94</b>	<b>9</b>

1. From 2 November 2009 personal injury cases with a claim amount of more than £5,000 are raised under an ordinary cause - personal injury court procedure. Either party can request permission from the sheriff to opt out of this procedure and use the standard ordinary cause procedure. All personal injury cases with a claim amount of more than £5,000 are shown in the table above, irrespective of the procedure used.
2. Figures for initiations and disposals do not necessarily refer to the same cases.
3. Excludes Sheriff Personal Injury Court.
4. Data from the new case management system is not currently split between 'defended' and 'undefended', therefore these have been combined into a single category.

**Table 16: Summary cause personal injury cases initiated and disposed of<sup>1</sup> in the sheriff courts<sup>2</sup>, 2017-18**

Case type	Initiated	Disposed	Disposed					
			Absolvitor	For pursuer		Decree by default	Dismissed <sup>3</sup>	Other
				Defended	Undefended			
Road traffic accident	2,600	2,255	541	684	236	3	602	189
Accident at work	63	54	26	17	2	0	6	3
Clinical negligence	616	2	2	0	0	0	0	0
Asbestos	0	1	1	0	0	0	0	0
Slip, trip or fall	69	56	35	14	1	0	6	0
Other	85	87	40	18	11	0	12	6
<b>Total</b>	<b>3,433</b>	<b>2,455</b>	<b>645</b>	<b>733</b>	<b>250</b>	<b>3</b>	<b>626</b>	<b>198</b>

1. Figures for initiations and disposals do not necessarily refer to the same cases.

2. Excludes Sheriff Personal Injury Court.

3. Data from the new case management system is not currently split between 'defended' and 'undefended', therefore these have been combined into a single category.

**Table 17: Civil law cases initiated and disposed of<sup>1,2</sup> in the Sheriff Personal Injury Court<sup>3</sup>, 2015-16 to 2017-18**

Case Type	Initiated			Disposed		
	2015-16	2016-17	2017-18	2015-16	2016-17	2017-18
Road traffic accident	313	832	1,036	72	438	744
Accident at work <sup>4</sup>	469	1,153	1,272	75	555	1,006
Clinical negligence	30	105	83	1	29	49
Asbestos <sup>5</sup>	124	370	455	0	110	363
Slip, Trip or Fall	0	86	208	0	6	115
Other <sup>6</sup>	207	410	228	24	225	264
<b>Total</b>	<b>1,143</b>	<b>2,956</b>	<b>3,282</b>	<b>172</b>	<b>1,363</b>	<b>2,541</b>

1. Figures for initiations and disposals do not necessarily refer to the same cases.

2. Includes cases initiated and disposed within Personal Injury Chapter 36A.

3. Sheriff Personal Injury Court was established on 22 September 2015.

4. Accident at work includes vibration white finger and repetitive strain injury.

5. Asbestos include all asbestos related conditions like pleural plaques, mesothelioma, asbestosis and pleural thickening.

6. Relative's claim cases are included in 'Other'.



**Table 18: Damages cases initiated and disposed of<sup>1</sup> in the civil courts, by case type, 2008-09 to 2017-18**

<b>Cases</b>	<b>Procedure</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>% change since 2016-17</b>	<b>% change since 2008-09</b>
<b>Initiated</b>	Court of Session <sup>2</sup>	337	529	300	367	357	369	286	409	170	146	-14	-57
	Sheriff: ordinary cause	738	791	630	491	496	447	400	412	658	538	-18	-27
	Sheriff: commercial	38	54	163	37	34	51	46	15	25	13	-48	-66
	Sheriff: summary cause <sup>3</sup>	434	561	453	488	382	441	271	222	292	1	-100	-100
	Sheriff: small claim <sup>3</sup>	3,080	2,918	2,586	2,364	2,009	1,887	1,348	1,238	1,122	0	-100	-100
	Sheriff: simple procedure <sup>3</sup>	z	z	z	z	z	z	z	z	z	543	2,185	z
<b>Total initiated</b>		<b>4,627</b>	<b>4,853</b>	<b>4,132</b>	<b>3,747</b>	<b>3,278</b>	<b>3,195</b>	<b>2,351</b>	<b>2,296</b>	<b>2,810</b>	<b>2,883</b>	<b>3</b>	<b>-38</b>
<b>Disposed</b>	Court of Session <sup>2</sup>	206	212	315	313	298	359	355	249	212	327	54	59
	Sheriff: ordinary cause	1,415	666	595	675	623	435	304	263	390	423	8	-70
	Sheriff: commercial	29	26	18	30	8	16	24	140	19	10	-47	-66
	Sheriff: summary cause <sup>3</sup>	410	450	457	452	383	340	287	205	267	41	-85	-90
	Sheriff: small claim <sup>3</sup>	2,409	2,710	2,397	2,149	1,982	1,758	1,380	1,266	1,239	87	-93	-96
	Sheriff: simple procedure <sup>3</sup>	z	z	z	z	z	z	z	z	z	49	1,843	z
<b>Total disposed</b>		<b>4,469</b>	<b>4,064</b>	<b>3,782</b>	<b>3,619</b>	<b>3,294</b>	<b>2,908</b>	<b>2,350</b>	<b>2,123</b>	<b>2,176</b>	<b>2,731</b>	<b>26</b>	<b>-39</b>

1. Figures for initiations and disposals do not necessarily refer to the same cases.

2. Includes ordinary and commercial cases. Data refers to first instance business only - excludes appeals and reclaiming motions.

3. The first phase of simple procedure replaced the small claims and the more straightforward cases under summary cause procedure from 28 November 2016.

More complex summary cause cases will move during phase two of simple procedure in due course.

4. z refers to data not being applicable.

**Table 19: Damages cases initiated and disposed of<sup>1</sup> in the civil courts, by case type and final disposal, 2017-18**

Court type	Case type	Initiated	Disposed	Disposed					
				Absolutor	For Pursuer		Dismissed <sup>2</sup>	Expenses Only <sup>2</sup>	Other
					Defended	Undefended			
<b>Court of Session<sup>3</sup></b>	Ordinary	104	184	113	4	6	11	0	50
	Commercial	42	143	125	5	2	9	0	2
	<b>Court of Session total</b>	<b>146</b>	<b>327</b>	<b>238</b>	<b>9</b>	<b>8</b>	<b>20</b>	<b>0</b>	<b>52</b>
<b>Sheriff courts</b>	Small claim <sup>4</sup>	0	87	57	11	4	15	0	0
	Ordinary cause	538	423	182	98	41	96	0	6
	Summary cause <sup>4</sup>	1	41	19	12	2	6	0	2
	Commercial	13	10	3	6	1	0	0	0
	Simple procedure <sup>4</sup>	2,185	1,843	618	66	329	796	33	1
	<b>Sheriff courts total</b>	<b>2,737</b>	<b>2,404</b>	<b>879</b>	<b>193</b>	<b>377</b>	<b>913</b>	<b>33</b>	<b>9</b>
<b>Civil courts total</b>		<b>2,883</b>	<b>2,731</b>	<b>1,117</b>	<b>202</b>	<b>385</b>	<b>933</b>	<b>33</b>	<b>61</b>

1. Figures for initiations and disposals do not necessarily refer to the same cases.

2. Data from the new case management system is not currently split between 'defended' and 'undefended', therefore these have been combined into a single category.

3. First instance business only – excludes appeals and reclaiming motions.

4. The first phase of simple procedure replaced the small claims and the more straightforward cases under summary cause procedure from 28 November 2016. More complex summary cause cases will move during phase two of simple procedure in due course.

**Table 20: Repossession cases initiated and disposed of<sup>1</sup> in the sheriff courts, by procedure, 2008-09 to 2017-18**

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	% change	% change
												since 2016-17	since 2008-09
<b>Initiated</b>	Ordinary cause	10,135	8,256	4,245	79	64	54	67	58	17	0	-100	-100
	Commercial	0	6	4	0	0	1	0	0	0	0	z	z
	Summary application	6	4	975	6,673	5,321	4,715	3,201	1,816	1,736	2,056	18	34,167
	<b>Total initiated</b>	<b>10,141</b>	<b>8,266</b>	<b>5,224</b>	<b>6,752</b>	<b>5,385</b>	<b>4,770</b>	<b>3,268</b>	<b>1,874</b>	<b>1,753</b>	<b>2,056</b>	<b>17</b>	<b>-80</b>
<b>Disposed</b>	Ordinary cause	7,181	6,476	5,083	253	90	74	61	53	26	0	-100	-100
	Commercial	1	4	1	3	0	0	1	0	0	0	z	-100
	Summary application <sup>2</sup>	0	6	489	3,987	4,003	3,386	2,597	1,570	1,480	1,650	11	z
	<b>Total disposed</b>	<b>7,182</b>	<b>6,486</b>	<b>5,573</b>	<b>4,243</b>	<b>4,093</b>	<b>3,460</b>	<b>2,659</b>	<b>1,623</b>	<b>1,506</b>	<b>1,650</b>	<b>10</b>	<b>-77</b>

1. Figures for initiations and disposals do not necessarily refer to the same cases.
2. The number of summary application cases disposed of is likely to be an underestimate.
3. z refers to data not being applicable.

**Table 21: Summary application repossession cases initiated and disposed of<sup>1,2</sup> in the sheriff courts, by case type and final disposal, 2017-18**

Case Type	Initiated	Disposed	Disposed					
			Absolvitor	For pursuer		Decree by default	Dismissed	Other <sup>3</sup>
				Defended	Undefended			
Repossession summary application	2,056	1,650	6	163	881	29	554	17

1. Figures for initiations and disposals do not necessarily refer to the same cases.
2. The number of cases disposed of is likely to be an underestimate.
3. Includes cases disposed as refused, dropped from roll and withdrawn.

**Table 22: Eviction cases initiated and disposed of<sup>1</sup> in the sheriff courts, 2008-09 to 2017-18**

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	% change	
												since 2016-17	since 2008-09
<b>Initiated</b>	Summary cause	19,944	16,528	14,160	13,979	10,532	11,778	13,750	14,690	14,304	14,604	2	-27
<b>Disposed</b>	Summary cause	19,191	16,986	14,906	13,972	12,358	11,613	12,892	13,905	14,459	13,776	-5	-28

1. Figures for initiations and disposals do not necessarily refer to the same cases.

**Table 23: Summary cause eviction cases initiated and disposed of<sup>1,2</sup> in the sheriff courts, by case type and final disposal, 2017-18**

Case Type	Initiated	Disposed	Disposed						
			For pursuer		Decree by default	Dismissed <sup>3</sup>	Expenses only <sup>3</sup>	Other <sup>4</sup>	
			Absolutor	Defended					Undefended
Eviction summary cause	<b>14,604</b>	<b>13,776</b>	12	1,261	7,049	112	5,219	5	118

1. Figures for initiations and disposals do not necessarily refer to the same cases.

2. The number of cases disposed of is likely to be an underestimate.

3. Data from the new case management system is not currently split between 'defended' and 'undefended', therefore these have been combined into a single category.

4. Includes cases disposed as refused, dropped from roll and withdrawn.

**Table 24: Petitions for judicial review initiated and disposed of<sup>1,2</sup> in the Petition Department of the Court of Session, 2008-09 to 2017-18**

		2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	% change since 2016-17	% change since 2008-09
<b>Initiated</b>	Judicial review												
	<i>Environmental</i>	0	0	2	2	1	3	4	1	3	0	z	z
	<i>Housing</i>	2	1	4	1	0	1	2	13	15	15	0	650
	<i>Immigrants</i>	177	210	266	195	224	231	323	393	262	267	2	51
	<i>Licensing board</i>	0	1	1	0	1	1	1	0	0	0	z	z
	<i>Planning permission</i>	5	10	8	11	8	6	12	7	4	6	50	20
	<i>Prison authorities</i>	18	107	7	3	10	17	17	24	6	20	233	11
	<i>Social security benefits</i>	0	0	0	0	1	0	1	3	5	4	-20	z
	<i>Other</i>	30	49	54	31	48	49	39	55	48	45	-6	50
<b>Total</b>		<b>232</b>	<b>378</b>	<b>342</b>	<b>243</b>	<b>293</b>	<b>308</b>	<b>399</b>	<b>496</b>	<b>343</b>	<b>357</b>	<b>4</b>	<b>54</b>
<b>Disposed</b>	Judicial review												
	<i>Environmental</i>	0	0	1	2	1	2	0	1	1	1	0	z
	<i>Housing</i>	5	1	3	1	0	1	1	7	17	15	-12	200
	<i>Immigrants</i>	153	168	182	267	229	203	229	314	397	308	-22	101
	<i>Licensing board</i>	1	1	0	2	0	1	1	1	0	0	z	-100
	<i>Planning permission</i>	4	7	5	11	12	4	7	12	5	6	20	50
	<i>Prison authorities</i>	15	18	12	95	101	19	10	23	13	24	85	60
	<i>Social security benefits</i>	0	0	0	0	1	0	1	1	2	5	150	z
	<i>Other</i>	34	32	39	34	26	40	38	43	50	51	2	50
<b>Total</b>		<b>212</b>	<b>227</b>	<b>242</b>	<b>412</b>	<b>370</b>	<b>270</b>	<b>287</b>	<b>402</b>	<b>485</b>	<b>410</b>	<b>-15</b>	<b>93</b>

1. Changes were made to the case types and final disposals recorded by the Court of Session from 2009-10 which affects the ability to compare petition type.
2. Figures for initiations and disposals do not necessarily refer to the same cases.
3. z refers to data not being applicable.

**Table 25: Civil law appeals initiated and disposed of<sup>1</sup> in the Sheriff Appeal Court<sup>2</sup>, 2015-16 to 2017-18**

Cases	Initiated			Disposed		
	2015-16	2016-17	2017-18	2015-16	2016-17	2017-18
<b>Appeals from small claim</b>	<b>2</b>	<b>30</b>	<b>9</b>	<b>0</b>	<b>18</b>	<b>18</b>
<i>Miscellaneous</i>	0	2	0	0	0	2
<i>Payment</i>	2	28	9	0	18	16
<b>Appeals from summary cause</b>	<b>2</b>	<b>45</b>	<b>43</b>	<b>0</b>	<b>26</b>	<b>38</b>
<i>Heritable</i>	2	29	27	0	21	25
<i>Payment</i>	0	13	7	0	5	7
<i>Personal injury</i>	0	3	6	0	0	5
<i>Miscellaneous</i>	0	0	3	0	0	1
<b>Appeals from simple procedure</b>	<b>0</b>	<b>0</b>	<b>41</b>	<b>0</b>	<b>0</b>	<b>12</b>
<i>Debt</i>	0	0	40	0	0	12
<i>Delivery</i>	0	0	1	0	0	0
<b>Appeals from ordinary cause<sup>3</sup></b>	<b>44</b>	<b>175</b>	<b>140</b>	<b>3</b>	<b>100</b>	<b>118</b>
<i>Debt</i>	23	40	35	2	38	29
<i>Family</i>	8	45	44	0	27	35
<i>Personal injury</i>	3	14	4	1	5	11
<i>Commercial</i>	2	7	13	0	4	8
<i>Heritable</i>	1	8	0	0	2	0
<i>Other</i>	7	61	44	0	24	35
<b>Other appeals<sup>4</sup></b>	<b>0</b>	<b>36</b>	<b>53</b>	<b>0</b>	<b>25</b>	<b>49</b>
<b>Total</b>	<b>48</b>	<b>286</b>	<b>286</b>	<b>3</b>	<b>169</b>	<b>235</b>

1. Figures for initiations and disposals do not necessarily refer to the same cases.

2. The Sheriff Appeal Court (Civil) was established on 1st January 2016.

3. Includes summary applications.

4. Other appeals include adults with incapacity, liquidation, sequestration, proceeds of crime and miscellaneous cases.

**Table 26: Civil law applications<sup>1</sup> to the Court of Session for permission (leave) to appeal to UK Supreme Court, 2015-16 to 2017-18**

Year	Initiated	Disposed	Disposed		
			Granted	Refused	Withdrawn
<b>2017-18</b>	<b>20</b>	<b>25</b>	2	23	0
<b>2016-17<sup>2</sup></b>	<b>41</b>	<b>45</b>	6	35	4
<b>2015-16<sup>2, 3</sup></b>	<b>16</b>	<b>4</b>	1	3	0

1. Figures for initiations and disposals do not necessarily refer to the same cases.

2. Disposal figures for 2015-16 and 2016-17 were corrected due to an error in recording at the source.

3. Applications relate to the period from 22 September 2015 and therefore do not cover a full financial year.

**Table 27: Civil law cases initiated in the Court of Session<sup>1</sup>, sheriff courts<sup>2</sup> and Sheriff Personal Injury Court<sup>3</sup>, 2008-09 to 2017-18**

Initiated Cases	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Repossession	10,141	8,266	5,224	6,752	5,385	4,770	3,268	1,874	1,753	2,056
Damages	4,627	4,851	4,131	3,684	3,278	3,195	2,351	2,296	2,810	2,883
Personal Injury	6,988	9,766	9,099	7,810	8,693	8,287	9,210	8,766	8,378	9,443
Family	14,836	14,733	14,496	13,679	13,862	13,853	13,605	12,892	13,250	12,652
Eviction	19,944	16,528	14,160	13,979	10,532	11,778	13,750	14,690	14,304	14,604
Debt	65,798	55,931	45,375	40,250	35,899	35,390	33,755	34,919	30,567	37,364
Other	9,305	7,768	5,939	5,739	5,093	4,514	4,031	4,100	4,314	4,238
<b>All cases</b>	<b>131,639</b>	<b>117,843</b>	<b>98,424</b>	<b>91,893</b>	<b>82,742</b>	<b>81,787</b>	<b>79,970</b>	<b>79,537</b>	<b>75,376</b>	<b>83,240</b>

1. Excludes appeals and reclaiming motions in the Inner House. □

2. Includes summary applications for repossession cases only.

3. Sheriff Personal Injury Court was established on 22 September 2015. □

**Table 28: Civil Legal Aid Grants<sup>1,2</sup>, 2012-13 to 2017-18**

<b>Family subject matters</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>
Appeals - family	-	-	-	32	39	34
Contact/parentage	3,590	3,345	3,043	2,669	2,804	2,599
Divorce/separation	2,295	2,240	1,929	1,814	1,817	1,688
Property/monetary	343	321	294	262	247	236
Protective order	530	407	328	284	301	315
Residence	1,412	1,360	1,190	1,120	1,192	1,179
Family/matrimonial - other	643	697	655	655	688	764
<b>Total civil legal aid grants - family</b>	<b>8,813</b>	<b>8,370</b>	<b>7,439</b>	<b>6,836</b>	<b>7,088</b>	<b>6,815</b>
<b>Non-family subject matters</b>						
Adults with incapacity	2,663	3,024	3,587	4,083	4,385	4,603
Appeals - other	126	131	107	106	100	59
Breach of contract	30	31	15	16	17	10
Debt	125	99	122	109	120	82
Discrimination	-	3	1	1	7	3
Fatal accident inquiries	8	12	12	12	16	14
Housing/recovery of heritable property	758	807	787	692	840	791
Immigration and asylum	173	198	277	333	234	189
Judicial review	68	75	65	80	35	90
Medical negligence	58	94	86	61	76	74
Reparation	231	235	187	193	239	90
Other	374	330	292	295	268	273
<b>Total civil legal aid grants - non-family</b>	<b>4,614</b>	<b>5,039</b>	<b>5,538</b>	<b>5,981</b>	<b>6,337</b>	<b>6,278</b>
<b>Total civil legal aid grants</b>	<b>13,427</b>	<b>13,409</b>	<b>12,977</b>	<b>12,817</b>	<b>13,425</b>	<b>13,093</b>

1. Figures supplied by the Scottish Legal Aid Board.

2. Note that, granted cases may not always proceed.



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