

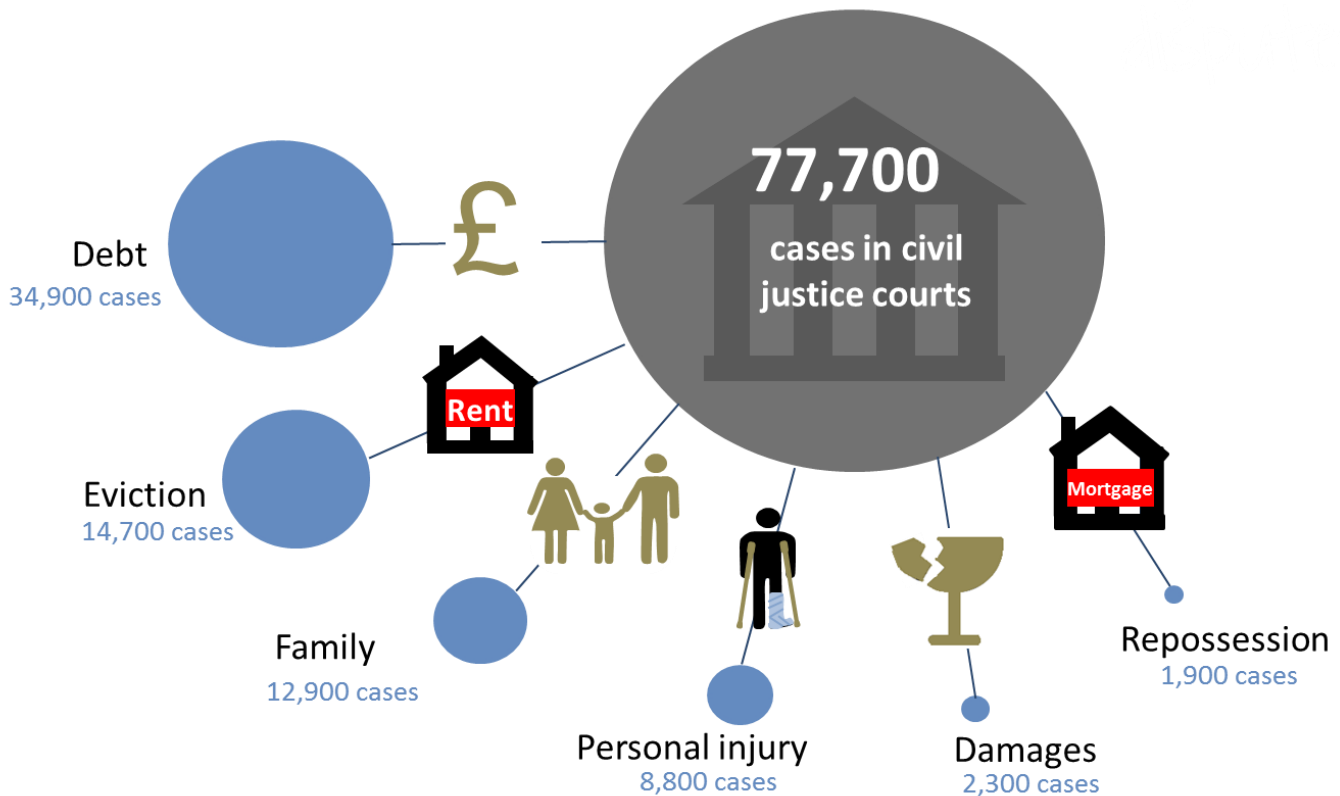


CRIME AND JUSTICE

Civil Justice Statistics in Scotland 2015-16

28 March 2017

Civil justice aims to **resolve a range of disputes** from debt and eviction to divorce, problems that affect many people's lives. One way of resolving a civil law dispute is for the case to be **brought to court**.



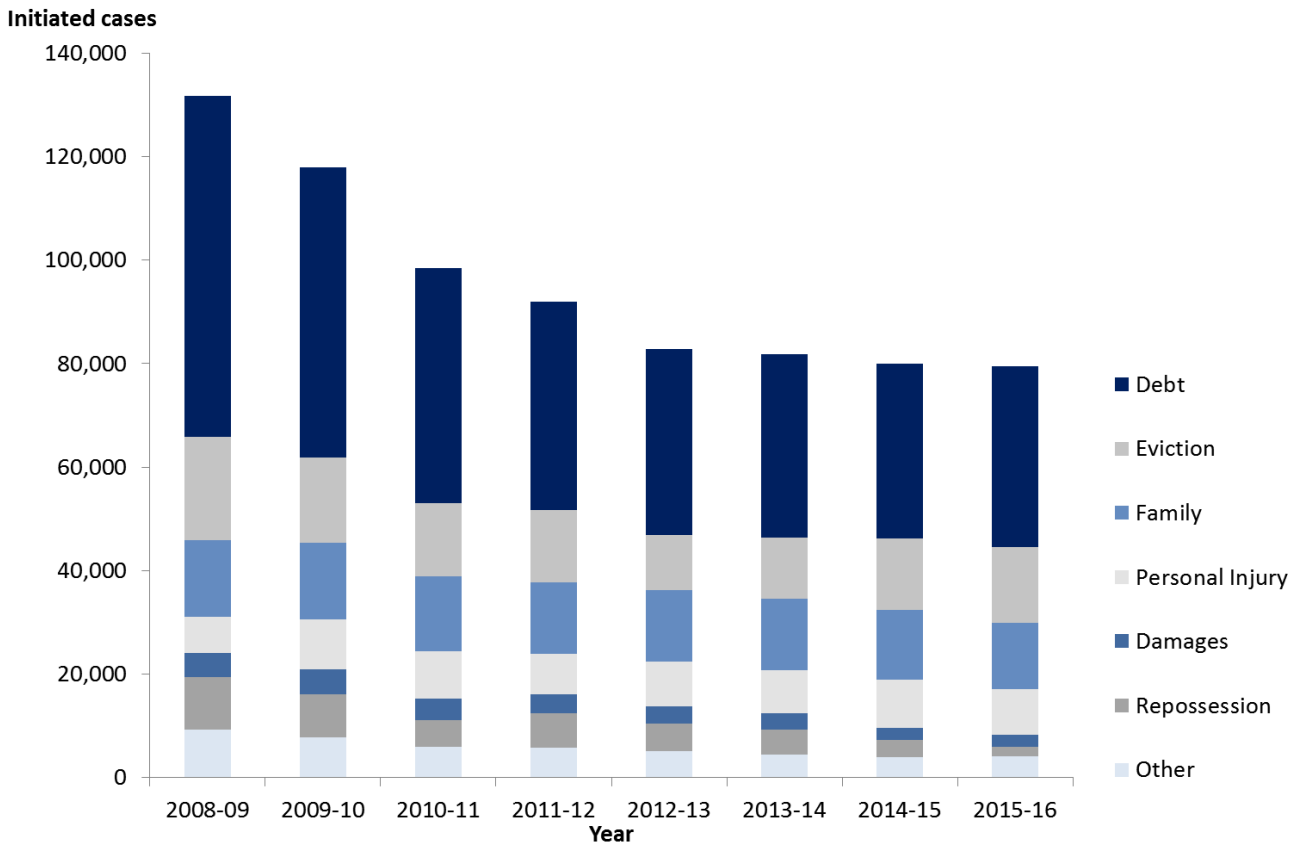
Since 2012-13, **the number of civil law court cases has remained stable**. This contrasts with the **downward trend observed** in the preceding four years.

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1. Executive Summary

The number of civil law cases initiated has decreased overall and for most case types since 2008-09.



There were 77,721 **civil law cases** initiated across the Court of Session, sheriff courts and the newly established Sheriff Personal Injury Court in 2015-16 (excluding summary applications¹). This is a rise of 1% from the previous year but represents a decrease of 41% since 2008-09². The reasons behind this overall decrease are not known, but possible factors include increasing use of alternative methods of dispute resolution and concerns over costs for litigants should they lose the case. The number of cases initiated in 2015-16 was similar to the previous three years, in contrast to the downward trend observed over the years prior to that.

¹ Unless otherwise stated, the statistics in this bulletin exclude summary applications. However, the number of repossession cases shown in the chart above and discussed in the [Repossession](#) section includes summary applications.

² Data prior to 2008-09 cannot be compared directly with later data. For more information, see the [Quality of the statistics](#) section.

Compared to the previous year, the number of cases initiated in the **Court of Session** decreased by 16%. This overall decrease was driven by a 30% decrease in the number of personal injury cases initiated in the Court of Session, as a consequence of the establishment of the Sheriff Personal Injury Court by the Courts Reform (Scotland) Act 2014. In contrast, the number of cases initiated in the **sheriff courts** increased by 1%.

The number of **family cases** initiated has been decreasing since 2008-09 (by 13%). Divorce / dissolution cases and parental responsibilities and rights cases together accounted for 95% of family cases in 2015-16.

Debt cases made up 45% of all civil court cases initiated in 2015-16. There were 3% more debt cases than in 2014-15 but 47% fewer than in 2008-09.

The number of **personal injury** cases initiated in the civil courts was 5% lower than in 2014-15, but the number of personal injury cases has fluctuated markedly since 2008-09. Cases resulting from a road traffic accident made up the majority of personal injury cases (56% in 2015-16).

The number of **damages** cases initiated decreased by 2% compared to the previous year. This continues a long-term downward trend (50% decrease since 2008-09).

There was a 43% drop in initiated cases of **repossession**³ following a breach of a mortgage or loan secured on a property, compared to 2014-15. This continues a long-term downward trend (82% decrease since 2008-09).

Initiated cases involving **eviction** of tenants from a rented property rose in 2015-16 for the third year in a row, but are still 26% lower than in 2008-09.

All **sheriffdoms** in Scotland have seen an overall drop in the number of cases initiated and disposed of since 2008-09. Between 2014-15 and 2015-16, Lothian and Borders saw the largest decrease in initiated cases (-4%), while South Strathclyde, Dumfries and Galloway saw the largest rise (+9%).

The 2014-15 Scottish Crime and Justice Survey shows that around **one in five adults experienced at least one civil law problem** during the previous three years. The most common type of issue was disputes with neighbours, followed by problems with money and debt, and faulty goods or services.

³ Including summary applications.

2. Introduction

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. In Scotland, civil law cases are usually conducted in a sheriff court or the Court of Session. Common types of cases where civil law is used include debt, divorce and claims for personal injury.

The primary focus of this bulletin is on civil law cases in sheriff courts and the Court of Session in the financial year 2015-16. This is supported by an overview of civil court structure and procedures, a description of recent changes in legislation, a historical overview of the volume of civil law cases and a list of definitions. Civil justice statistics from the Scottish Legal Aid Board and the Scottish Crime and Justice Survey are also mentioned to provide further context.

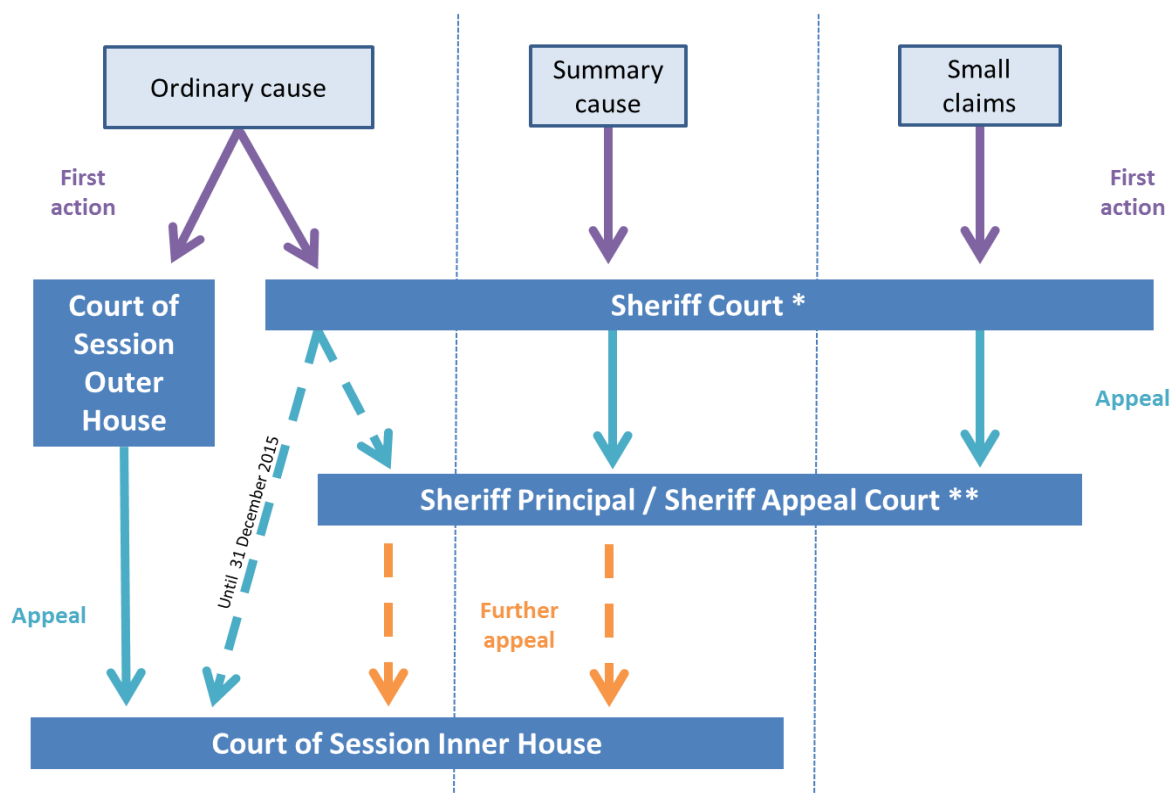
Civil law statistics are used within the Scottish Government to inform decisions and policy-making and to monitor the impact of policies following their implementation. The statistics are also used for resource allocation by the Scottish Courts and Tribunals Service, and to support third sector activity in lobbying and funding applications. The statistics also inform the public about the business of Scottish courts and facilitate academic research on civil law.

In addition to this bulletin, the 2015-16 Civil Justice Statistics in Scotland release includes:

- Main statistics tables – comprising the tables that appear in this bulletin
- Divorce and dissolution statistics tables – giving further breakdowns on divorce and dissolution
- Supplementary statistics tables – additional statistics on civil law cases in sheriff courts and the Court of Session
- Background data tables – an interactive dataset on civil law court cases by court, which can be used to generate customised tables and charts
- Statistical news release

Up until 27 November 2016, which covers all the statistics presented in this bulletin, civil law court cases were carried out mainly using one of three procedures: ordinary cause, summary cause or small claims. Sheriff courts also handle summary applications, which are made mainly under statutes (Acts of Parliament), and commissary business relating to succession and access to a deceased person's estate. The relationships between the main civil law court procedures and the civil courts are shown in [Figure 1](#), though it should be noted that this diagram is somewhat simplified. More information can be found in the Civil courts and procedures in Scotland section. It should also be noted that court structure and procedures in Scotland are changing due to the reforms introduced by the [Courts Reform \(Scotland\) Act 2014](#), which are described in more detail in Courts Reform section. [Figure 1](#) shows the court structure and procedures in place up until 2015-16, covering all the statistics presented in this bulletin.

Figure 1: Summary of court structure



* Including Sheriff Personal Injury Court, which was established on 22 September 2015.

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

Recent changes brought in by the Courts Reform Act affect the statistics presented in this bulletin (2015-16). The bulletin now includes statistics on the newly established Sheriff Personal Injury Court ([Table 17](#)), civil law appeals within the Sheriff Appeal Court ([Table 25](#)) and permission on civil applications to the Court of Session to appeal to the UK Supreme Court ([Table 26](#)).

Important notes on the use of civil justice statistics

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. The feasibility of publishing statistics on ancillary craves in future editions is being investigated.

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. One consequence is that the number of [ordinary cause](#) and [summary application](#) cases disposed of in the sheriff court is an underestimate. There is no evidence of any significant inaccuracies in the data for [summary cause](#) and [small claims](#) cases. More information about accuracy of the statistics and further guidance on use of the statistics is available from the [Quality of the statistics](#) section.

The statistics in the tables for initiations and disposals do not necessarily refer to the same cases. This is because not all the cases initiated in a year will be disposed of in that same year.

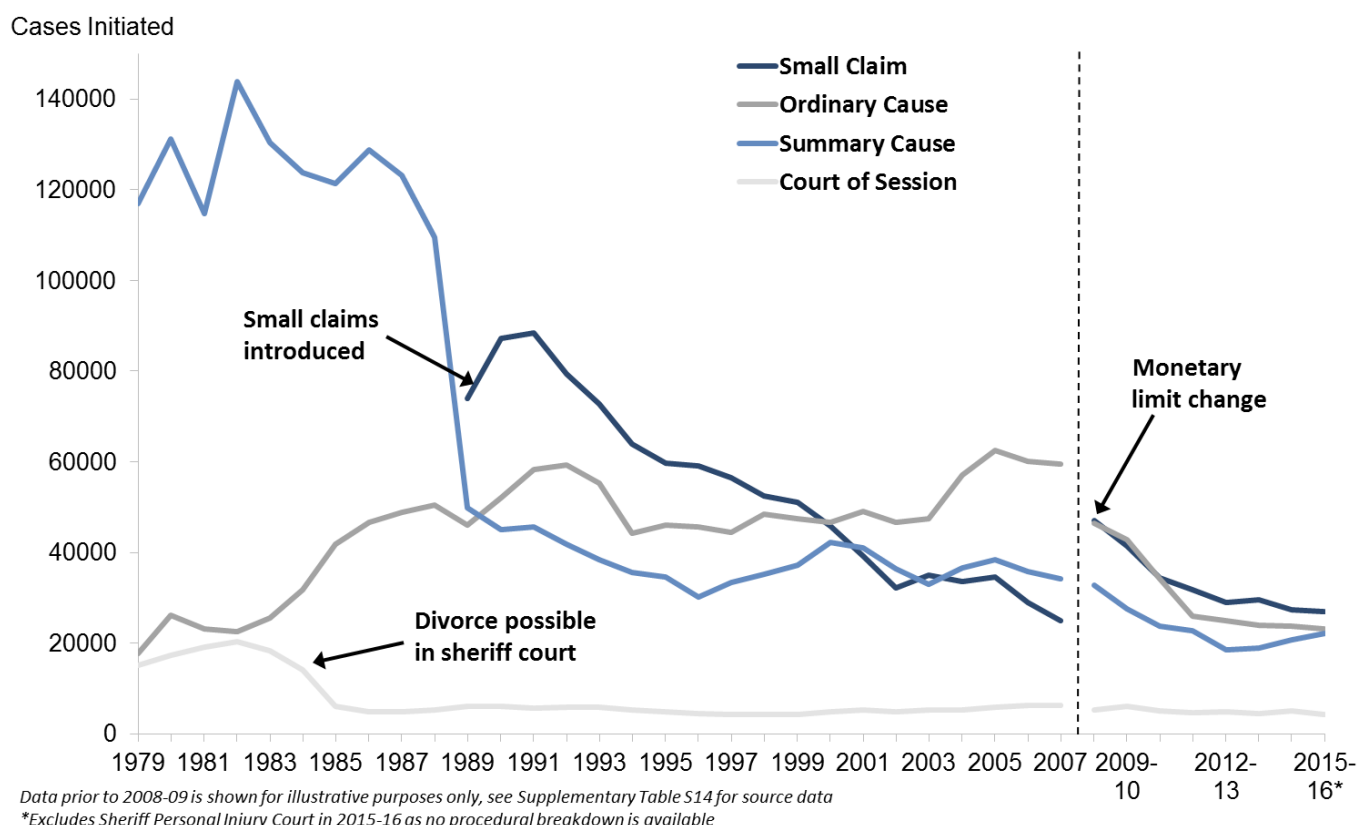
All statistics in this release are presented for financial years (1 April to 31 March) except where otherwise stated.

Statistics and percentages referring to cases from the civil courts in this release include the Court of Session, sheriff courts and the Sheriff Personal Injury Court unless otherwise stated.

3. History of civil law court cases

The volume of civil law court cases in Scotland has changed markedly over the past thirty years (Figure 2).⁴

Figure 2: Number of civil law court cases since 1979



Sheriff courts

The volume of **summary cause** cases reduced substantially in 1989 following the introduction of the small claims procedure. This procedure was designed to make the court process easier and less formal for people making low-value claims, originally up to £750. As a consequence, considerably fewer people have had to use summary cause procedure which, until then, had been the least formal procedure available in the sheriff courts.

⁴ 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.

The number of **small claims** cases briefly increased following the procedure's introduction but subsequently decreased until 2007. The monetary limits of various sheriff court procedures were subsequently increased, in the case of small claims up to £3,000. This led to a sharp increase in the number of cases initiated using this procedure in 2008, followed by a decline since then.

The number of cases initiated under **ordinary cause** procedure reached a peak of approximately 60,000 cases in 2005. The aforementioned changes to sheriff court jurisdiction limits in January 2008 led to a subsequent decrease in ordinary cause cases (and an increase in the number of small claims cases). The further decrease in ordinary cause cases during 2011 is believed to be a consequence of the [Home Owner and Debtor Protection \(Scotland\) Act 2010](#) – see the [Repossession](#) section for more information.

Court of Session

The **Court of Session** handles a much lower volume of cases than the sheriff courts. In 1982, over 20,000 cases were initiated in the Court of Session, but this rapidly dropped between 1983 and 1985 when divorce in the sheriff courts became possible from 1 May 1984, and has stayed between approximately 4,000 and 6,000 cases a year since then.

Overall, the total number of civil law cases going through the courts each year has been decreasing since 1991 and fell below 100,000 cases for the first time in 2010. In recent years, the biggest falls have been in repossession, debt and damages. The reasons behind this decrease are not known but possible factors include increasing use of alternative methods of dispute resolution and concerns over costs for litigants should they lose the case. Despite this long-term downward trend, the total number of civil law cases initiated has remained around the 77,000 mark since 2012-13.

4. Recent trends in civil justice

There were 77,721 civil law cases initiated in 2015-16, a similar number to the previous three years

93% of civil law cases were raised in the sheriff courts (excluding Sheriff Personal Injury Court), and 37% of these were small claims

Most civil legal aid grants were made for cases related to family issues

Data from the 2014-15 Scottish Crime and Justice Survey shows that civil law problems are experienced by around one in five of the adult population

Scottish Crime and Justice Survey - civil justice module

The Scottish Crime and Justice Survey (SCJS)⁵ includes questions on experience of and response to civil law problems. In 2014-15, respondents were asked if they had experienced any of a list⁶ of named problems or disputes in the three years prior to interview⁷. They were then asked whether they had attempted to solve them, if they had used help or advice in that process and if so, from whom.

The problem areas covered were:

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

The 2014-15 SCJS shows that around one in five adults (21%) had experienced at least one of the civil law problems asked about in the last three years. In the 2008-09 SCJS, that proportion was 30%. This nine percentage point decrease from 2008-09 to 2014-15 is statistically significant.

Among the problem areas listed above, 14% of adults had experienced problems with home, family or living arrangements, 7% had experienced problems with money, finances or anything they had paid for, 4% had been treated unfairly in some respect and 4% had experienced health or well-being problems.

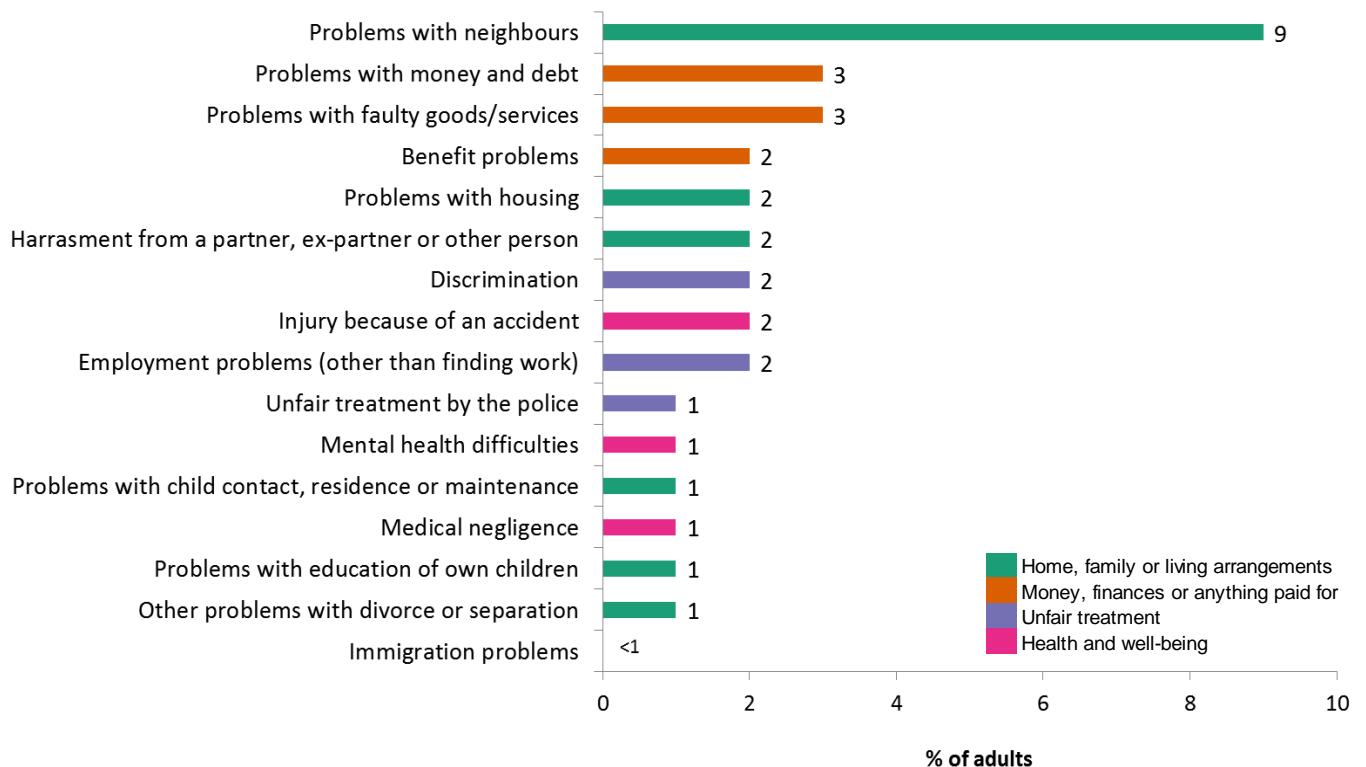
⁵ More information on the SCJS can be found within the [Scottish Government website](#).

⁶ For more information, see [SCJS 2014-15 publication table 9.4](#).

⁷ Information on the [SCJS questionnaire](#).

The most common single problem was with neighbours, experienced by 9% of adults. The next most common civil law problems involved money & debt (3%) or faulty goods or services (3%). A more detailed breakdown is shown in [Figure 3](#).

Figure 3: Experience of civil law problems: SCJS 2014-15



Over a third (34%) of all respondents with one or more civil law problem in the last three years said a problem concerning neighbours was their most important or only problem to solve. The next most important problems involved money and debt (8%) or faulty goods or services (8%).

Of those who identified their most important or only problem, 30% reported the problem began less than 12 months ago, 16% over a year but less than two years ago, 34% over three years ago; 20% of respondents did not know when the issue started.

Those who had experienced a problem were also asked about the current situation of their most important problem. Around half (49%) had resolved the problem, while just under a third (32%) were still trying to resolve the problem. Around one in ten had tried to resolve the problem but had to give up (9%) or were not planning to do anything (9%). Of those not planning to do anything, 54% felt it was not worth the effort and 23% did not think anything could be done.

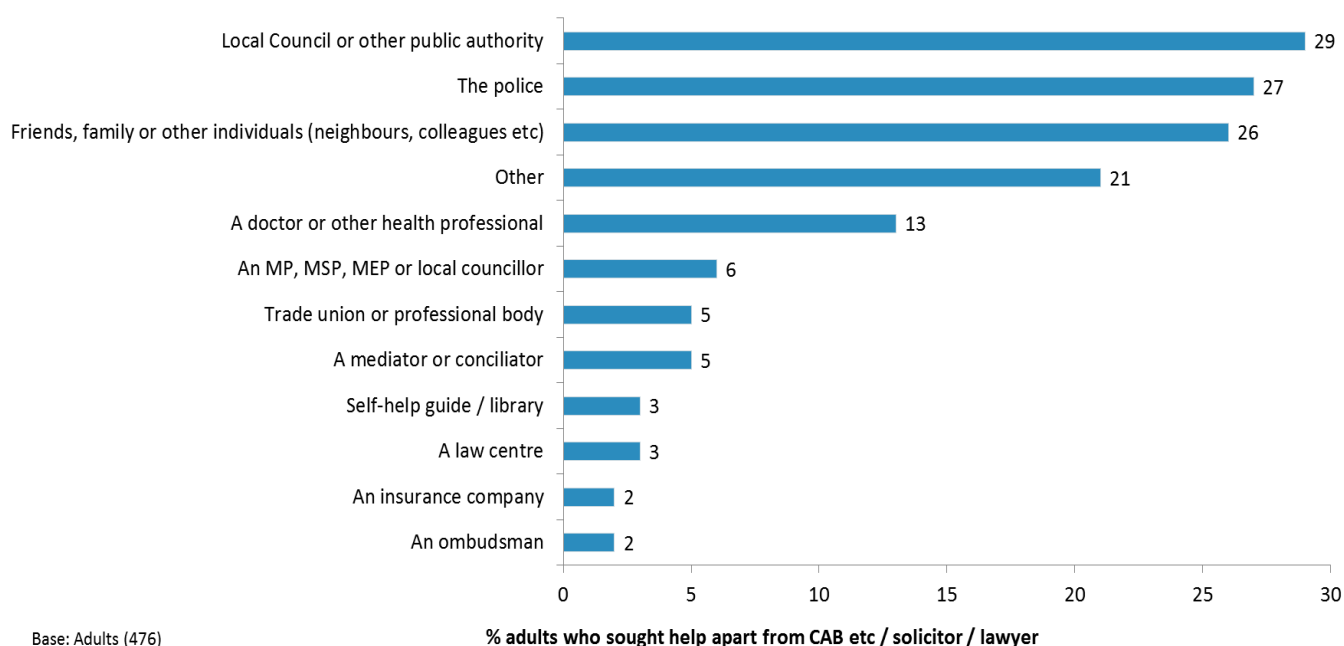
Of those who had resolved their problem, 20% said it had taken less than a month, and 28% between one and six months.

Of those who had identified their most important or only problem, 21% had contacted or planned to contact a Citizens Advice Bureau (or a similar advice organisation) and 19% a solicitor or lawyer. Of those who had not contacted and did not plan to contact a Citizens Advice Bureau (or similar advice organisation), over a third (36%) felt able to deal with the problem without their help, a quarter (25%) did not think they could do anything to help, and 14% did not know these organisations dealt with the sort of problem they had experienced.

Those who had not contacted and did not plan to contact a solicitor or lawyer gave similar responses: a third (33%) felt able to deal with the problem without their help and 14% did not think they could do anything to help. In addition, 17% did not think the problem was serious enough to involve a solicitor or lawyer, and 16% were worried about the cost or did not want to pay the cost.

Of all respondents who identified their most important or only problem, 38% sought information, advice or help from sources other than a Citizens Advice Bureau (or similar advice organisation), solicitor or lawyer. These other sources of help are detailed in [Figure 4](#).

Figure 4: Other sources of help or advice, SCJS 2014-15



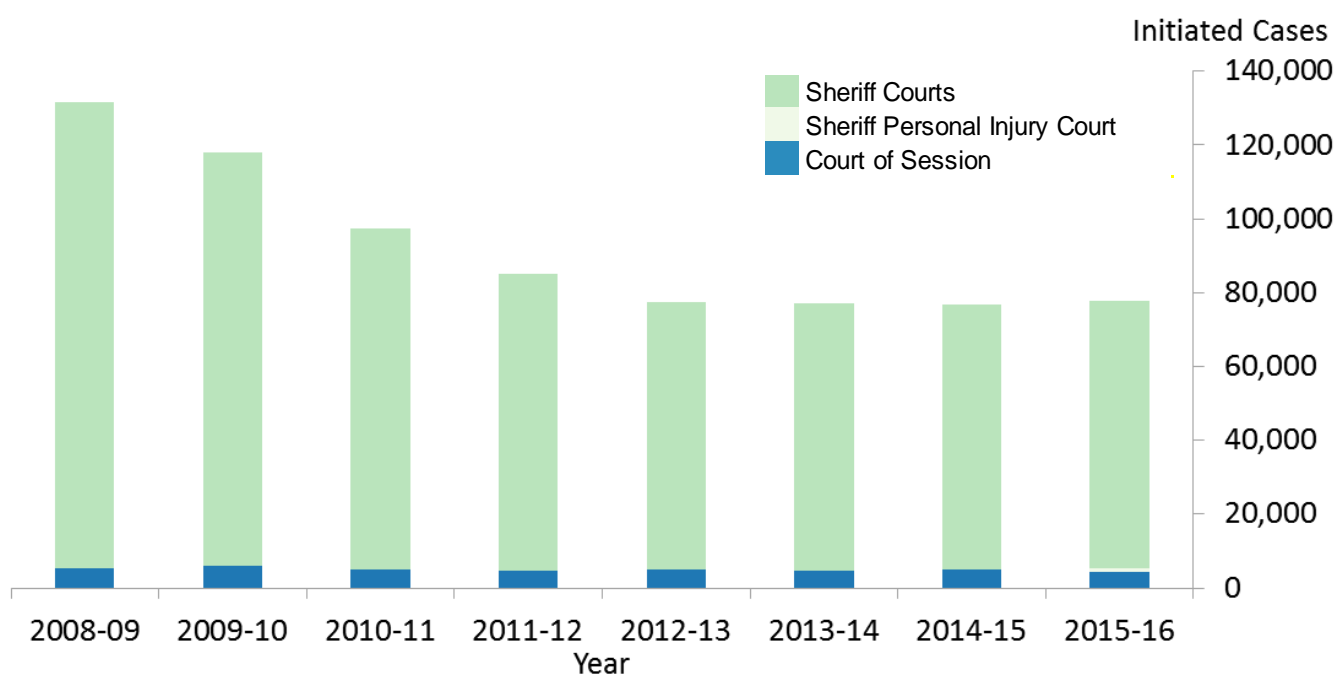
Respondents who sought help from a Citizens Advice Bureau (or similar organisation) received advice (57%), information (56%) and/or had the organisation contact the other party on their behalf (25%). Those who sought help from a solicitor or lawyer received advice (59%), had them contact the other party on their behalf (47%) and/or received information (33%), while less than a quarter (23%) received help with threatened legal action and 22% received representation in court or in a tribunal.

Various vulnerable groups were more likely to experience civil law problems than the general population. For example, those who lived in one of the top 15% most deprived areas in Scotland suffered a higher prevalence of civil justice problems (32%) than those who did not (19%), as did victims of crime (35%) compared to non-victims (19%). Those who lived in rented (as opposed to owner-occupied) accommodation were also more likely to have experienced civil law problems: 31% for social tenants and 23% for private tenants as opposed to 18% for owner-occupiers.

Courts statistics - overview

There were 77,721 civil law cases initiated across the Court of Session, sheriff courts and Sheriff Personal Injury Court in 2015-16 (not including summary applications) (Table 1). This is a 1% rise from the previous year, but is still 41% lower than in 2008-09. The number of cases initiated in 2015-16 was similar to the previous three years, halting the downward trend observed over the preceding years (Figure 5).

Figure 5: Civil law cases initiated in Court of Session, sheriff courts and Sheriff Personal Injury Court



There were 70,809 disposals of civil law cases in 2015-16 ([Table 1](#)). This is similar to the number of cases disposed of in 2014-15 but 39% lower than in 2008-09. As one expects, the trends in initiations and disposals are similar.

The year-on-year change in case numbers was not consistent across courts, sheriffdoms or case types in 2015-16. The number of cases initiated in the Court of Session decreased by 16% ([Table 2](#)), while cases in the sheriff courts increased by 1% ([Table 3](#)). There was also variation within sheriffdoms, as some handled fewer cases and others more, compared to the previous year ([Table 4](#)). The case type mix has also changed with an increase in debt and eviction cases but a drop in family, personal injury, damages and (particularly) repossession cases.

Debt makes up the largest category (45%) of civil law cases handled by the courts in Scotland ([Table 11](#)). Eviction ([Table 22](#)) and family ([Table 5](#)) make up the next largest categories followed by personal injury ([Table 13](#)), damages ([Table 18](#)) and repossession ([Table 20](#)).

There have been 1,143 personal injury cases initiated in the Sheriff Personal Injury Court since its establishment on 22 September 2015 ([Table 1](#)). More information can be found in the [Courts Reform](#) section.

Court of Session

There were 4,358 cases initiated in the Court of Session in 2015-16, a 16% decrease since 2014-15, and the lowest number of initiated cases since 2008-09. In 2015-16, 4,405 cases were disposed of ([Table 2](#)).

The Sheriff Personal Injury Court was established on 22 September 2015. On the same date, the minimum value of actions that can be raised in the Court of Session was raised from £5,000 to £100,000 (see [Courts Reform](#) section for more information). These measures are expected to change the make-up of case types in the Court of Session; in particular, the majority of personal injury cases that would have previously been raised in the Court of Session are expected to instead be raised in the Sheriff Personal Injury Court (although those cases may also be raised in local sheriff courts). The statistics presented in this bulletin indeed show a 30% decrease in the number of personal injury cases initiated in the General Department in 2015-16 compared to 2014-15 ([Table 14](#), [Civil Justice Statistics in Scotland 2014-15 Table 14](#)), driving the aforementioned overall decrease in the number of cases initiated in the Court of Session. Personal injury cases still make up 72% of civil law cases initiated in the General Department of the Court of Session in 2015-16 ([Table 2](#), [Table 14](#)), down from 79% in 2014-15 ([Table 2](#), [Civil Justice Statistics in Scotland 2014-15 Table 14](#)).

The Court of Session also deals with judicial review. This is a specialised type of court procedure that can be used in Scotland to challenge the way a person or body with power or authority has made a decision. There were 496 judicial review cases initiated in 2015-16, a 24% rise since 2014-15 and a fourth consecutive yearly increase ([Table 24](#)). Court actions for judicial review cover a range of different matters including planning permission and environmental cases. However, the majority of judicial review cases relate to immigration.

Sheriff courts

In 2015-16, there were 72,220 civil law cases initiated and 66,232 cases disposed of in the sheriff courts ([Table 3](#)). While the number of cases initiated and disposed of were similar to the previous year, they have decreased by 43% and 41% respectively since 2008-09. This fall was relatively evenly spread between ordinary cause, summary cause and small claims procedures.

All sheriffdoms in Scotland have seen an overall drop in the number of cases initiated and disposed of since 2008-09 ([Table 4](#)). Between 2014-15 and 2015-16, Lothian and Borders sheriffdom saw the largest decrease in initiated cases (-4%), with Tayside, Central and Fife sheriffdom and Grampian, Highlands and Islands sheriffdom both recording 2% fewer cases. South Strathclyde, Dumfries and Galloway sheriffdom saw the largest rise in initiated cases (+9%), Glasgow and Strathkelvin sheriffdom saw a 4% increase, and North Strathclyde sheriffdom a 2% increase. The South Strathclyde, Dumfries and Galloway sheriffdom recorded the highest number of sheriff court cases initiated in 2015-16.

The National Records of Scotland [mid-2015 population estimates](#) were used to create population estimates for each sheriffdom ([Supplementary Table S13](#)). These estimates were then used to calculate the number of cases initiated and disposed of per 1,000 population. This allows direct comparison of the incidence of civil law cases in each sheriffdom. The overall number of cases initiated across Scotland was 13 for every 1,000 people in 2015-16 ([Table 4](#)). This rate is broadly similar across all sheriffdoms, with Glasgow and Strathkelvin, and South Strathclyde, Dumfries and Galloway sheriffdoms having the highest rate (16 for every 1,000 people).

There was a large variation in the number of civil law cases dealt with by individual sheriff courts in Scotland in 2015-16 ([Supplementary Table S1](#)). The number of cases handled by Glasgow sheriff court increased compared to the previous year and still had by far the largest number of cases initiated (11,853 cases), followed by Edinburgh sheriff court (8,783 cases). Courts in the more rural parts of Scotland dealt with far fewer cases, with Lochmaddy having the lowest number of cases initiated in 2015-16 (58 cases). A map showing the location of sheriff courts in Scotland, together with information on recent court closures, is shown in [Figure 15](#).

In addition to civil law cases concerned with disputes, sheriff courts also deal with commissary business, which relates to succession and access to a deceased person's estate. In 2015-16, 22,984 ordinary estates were confirmed with an average value of £239,000 ([Supplementary Table S6](#)). There were also 2,129 small estates confirmed, with an average value of £23,100.

Civil law legal aid

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. In 2015-16, civil legal assistance made up around a third of the net total legal assistance expenditure in Scotland (the other two thirds being criminal legal assistance).

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. Civil legal aid makes up around 16% of the number of grants of civil legal assistance. However, as civil legal aid cases cost more than other types of civil legal assistance, net expenditure on civil legal aid makes up more than half of the total expenditure on civil legal assistance. Demand for and expenditure on civil legal aid has decreased in recent years. [Figure 6](#) shows that demand (as measured by applications) peaked in 2009-10 following rises in the previous two years.

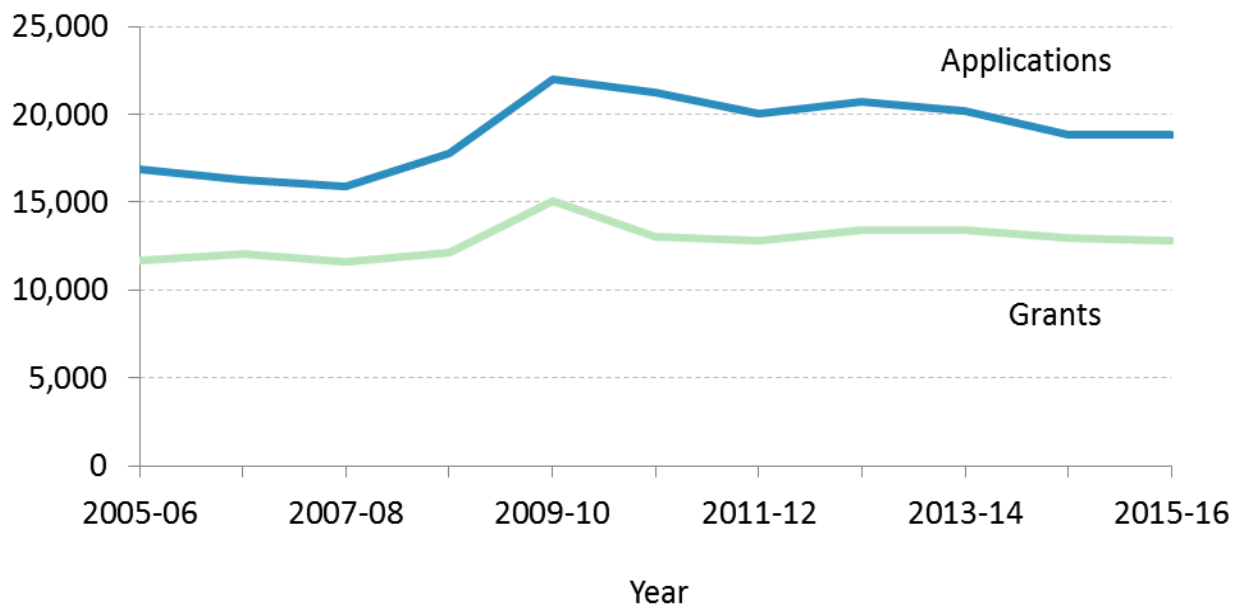
In 2015-16, there were 12,817 civil legal aid grants, the vast majority of which for cases in the sheriff courts. After steadily rising for over 10 years, legal aid grants in relation to intervention orders and guardianship orders under Part 6 of the [Adults with Incapacity \(Scotland\) Act 2000](#) now represent the largest category of legal aid certificates issued, at 32% of all grants. The next largest category is contact/parentage, which accounted for 21% of all grants in 2015-16.

SLAB manages three grant funded programmes which include 102 different projects across Scotland to enable support for people affected by repossession, eviction, debt problems and benefits disputes. In 2015-16 these programmes enabled 26,925 people to access help, including representation at court or tribunal for 4,880 people.

Further information and data on legal aid is available from the [Scottish Legal Aid Board Annual Report 2015-16](#).

Figure 6: Civil legal aid applications and grants

Number of cases



Source: Scottish Legal Aid Board

1. Applications and grants 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.

5. Courts Reform

In 2007, a judicially-led review was undertaken by the then Lord Justice Clerk on the Civil Justice System in Scotland. The purpose of the review was to examine the provision of civil justice by the courts in Scotland, including their structure, jurisdiction, procedures and working methods in a view to improving the system as a whole in Scotland. After 2 years, the outcome was published as the *Report of the Scottish Civil Courts Review* in 2009.

The report concluded that reform to both the structure and the procedures was required. Subsequently, the Courts Reform (Scotland) Bill was introduced in 2014 to implement many of the recommendations from the review to maximise the outputs of the courts and improve the way in which civil justice is administered.

In October 2014, the [Courts Reform \(Scotland\) Act 2014](#) was passed by the Scottish Parliament and received Royal Assent in November 2014. The Act repeals the Sheriff Courts (Scotland) Act 1971 and most of the provisions of the Sheriff Courts (Scotland) Act 1907, and makes some of the most significant changes in a century to the Scottish civil justice system. The reforms aim to address existing inefficiencies and bring about a cost-efficient, effective and accessible civil justice system to all individuals.

Key reforms introduced by the Act and their date of implementation are summarised below.

Reforms implemented prior to 1 April 2016 affect the statistics presented in this bulletin (2015-16). The bulletin now includes statistics on the newly established Sheriff Personal Injury Court ([Table 17](#)), civil appeals to the new Sheriff Appeal Court ([Table 25](#)) and the new requirement for permission to appeal to the UK Supreme Court against decisions of the Court of Session ([Table 26](#)).

1 April 2015

- **The Scottish Courts and Tribunals Service**
The Scottish Court Service (SCS) merged with the Scottish Tribunals Service (STS) to form the Scottish Courts and Tribunals Service (SCTS). SCTS assumes the responsibilities formerly held by SCS and STS and also supports justice by providing the people, buildings and services needed by the judiciary, courts, Office of the Public Guardian and devolved tribunals. The data used in this bulletin is provided by SCTS.

22 September 2015

- **Exclusive Competence of Sheriff Courts**

The exclusive competence for all sheriff courts has been extended. Before the Act, only actions with a value of up to £5,000 had to 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, with actions with a value of up to £100,000 within the exclusive competence level of the sheriff courts, while cases above this value will usually be raised in the Court of Session.

In 2015-16, there were marginal increases in the number of initiated and disposed cases within the sheriff courts. This is in contrast to decreases of 16% and 8% in initiated and disposed cases respectively within the Court of Session. This decrease has been driven by a fall in the activity of the General Department of the Court of Session.

- **Sheriff Personal Injury Court**

The Sheriff Personal Injury Court was established to increase efficiency and reduce settlement times of personal injury cases. Located in Edinburgh, this Court has jurisdiction over the whole of Scotland in personal injury cases. Specialist personal injury sheriffs, specialist personal injury court procedures and civil jury trials were introduced for the new court. Litigants can now choose to raise actions valued up to £100,000 either in their local sheriff court or in the national personal injury court. For higher value actions, a pursuer (claimant) has the choice of these forums and also the Court of Session. A sheriff can also decide to transfer an action to the personal injury court if it is particularly important or difficult to proceed in the local sheriff court.

There have been 1,143 cases initiated within the Sheriff Personal Injury Court since its establishment up to 31 March 2016 ([Table 17](#)). This is made up of mostly Accident at Work cases (461) and Road Traffic Accident cases (313). In contrast, there were only 172 cases disposed of, mostly Accident at Work cases (75) and Road Traffic Accident cases (72). The new court may have contributed to the decrease in the number of personal injury cases raised in the Court of Session and sheriff courts. Across the three courts where Personal Injury cases can be heard, 8,766 cases were initiated in 2015-16.

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

The Courts Reform (Scotland) Act sets out new provisions for bringing civil appeals from the Court of Session to the UK Supreme Court. Permission from judges are now required before they can reach the UK's highest court. This means that 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 that appeals from Scotland to the

Supreme Court are now subject to the same rules as appeals from other parts of the UK.

In 2015-16, 16 civil law applications were initiated under the new provisions for bringing appeals to the UK Supreme Court ([Table 26](#)). During this period, 12 applications were disposed of by the Inner House of the Court of Session (nine refused, one granted and two withdrawn).

- **Judicial Review**

Judicial Review procedural forms have been introduced, requiring an application to be made within a three month time limit for raising proceedings. Applicants must also seek permission from the Court of Session to proceed under the new procedure for review. More information about the statistics for Judicial Review can be found in the [Recent trends in civil justice](#) section.

1 January 2016

- **Sheriff Appeal Court**

To ensure cases are dealt with at an appropriate level, and prevent unmeritorious claims from reaching the higher courts, a new Sheriff Appeal Court has been established. Presided over by Appeal Sheriffs, it hears civil appeals, with the role of Sheriff Principal as adjudicator for determining appeals against decisions of sheriffs being abolished. The effect of the reforms largely removes the ability to appeal directly from the Sheriff Court to the Court of Session, so that most appeals must go through the Sheriff Appeal Court. The Sheriff Appeal Court also started hearing criminal appeals in 22 September 2015.

Since January 2016, 48 civil appeals have been initiated in the new Sheriff Appeal Court, of which 44 cases were raised under ordinary cause (including summary applications) ([Table 25](#)). Debt cases were most common and made up almost half of all appeals. Over the same period, only three appeals were disposed of.

1 April 2016

- **Summary Sheriffs**

New Summary Sheriffs have been created with a more limited jurisdiction than sheriffs that is limited to dealing with cases of value less than £5,000 and certain other matters. This has been introduced in order to ensure civil cases are heard at the most appropriate levels within the court structure and processed more efficiently. Summary sheriffs also have a criminal jurisdiction and competence.

28 November 2016

- **Simple Procedure (phase one)**

The new simple procedure replaces the current small claims and summary cause procedures, applying to cases with a value less than £5,000. The simple procedure has been designed to be efficient, inexpensive and informal so that parties can represent themselves in these lower monetary value cases. The simple procedure is mainly dealt with by the new summary sheriffs that have been introduced by the Act. A second phase of simple procedure will follow in Autumn 2017, covering certain types of actions not covered by the first phase such as personal injury cases.

The above changes are not an exhaustive list of all the changes arising from the Courts Reform Act. Transitional arrangements apply to all of the reforms described. More information on the Act can be found at the [Scottish Courts and Tribunals Service](#).

Tribunals

Separately from the reforms introduced by the Courts Reform Act, the structure of devolved tribunals is currently being reformed by provisions in the [Tribunals \(Scotland\) Act 2014](#), which created two new tribunals - the First-tier Tribunal for Scotland and the Upper Tribunal for Scotland, known collectively as the Scottish Tribunals. Devolved tribunals that transfer-in to the First-tier are grouped together in themed chambers, with appeal to the Upper Tribunal. Onwards appeal is to the Inner House of the Court of Session. Tribunals will transfer-in on a phased basis. The first Chamber became operational in December 2016 dealing with Housing and Property matters.

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. For example, the Scottish Parliament will be able to remove the requirement to pay a fee to bring a case to an employment tribunal. However, it will not be able to alter employment rights, such as the right to a redundancy payment.

Statistics on tribunals are not included in this bulletin.

6. Family

Divorce and dissolution made up 77% of family cases in 2015-16

Nearly all of the 8,875 divorces granted in 2015-16 were heard in sheriff courts, and 62% used the simplified procedure

Family law in Scotland

Family law covers a wide range of areas related to families, couples and children. These include divorces and dissolutions when relationships break down and couples decide to separate; 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. Family procedure cases made up 17% of all civil court cases initiated in 2015-16 ([Table 5](#), [Table 1](#)).

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

Scottish Crime and Justice Survey

In the 2014-15 Scottish Crime and Justice Survey, 2% of respondents 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 1% experienced problems to do with divorce or separation.

Various vulnerable groups were more likely to experience at least one of the above three problems. For example, those living in in one of the top 15% most deprived areas in Scotland suffered a higher prevalence (6%) compared to the rest (3%). Those living in rented (as opposed to owner-occupied) accommodation were also more likely to have experienced one of these problems: 7% for social tenants and 5% for private tenants as opposed to 2% for owner-occupiers. Victims of crime also had a higher prevalence (7%) than non-victims (3%).

Among those who experienced at least one of the above three problems and considered them to be most important, half (51%) had already solved the problem, while 34% were still trying to solve it. 28% had sought help or advice from others excluding from family or friends and over half (60%) had made contact with a solicitor⁸ for help.

⁸ The questionnaire changed in 2012-13 from previous years how it asked about receiving help from a solicitor.

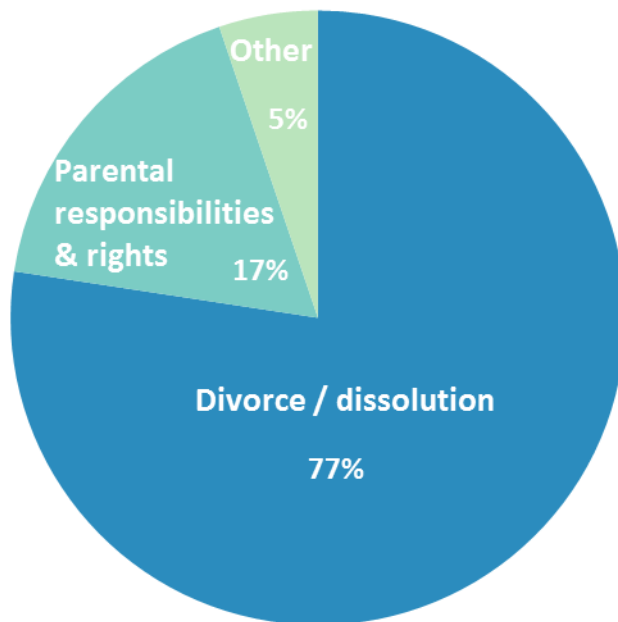
Courts statistics - overview

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 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.

During 2015-16, 12,892 family cases were initiated in the civil courts and 11,442 were disposed of ([Table 5](#)). Since 2008-09, there has been the same steady decrease of 13% in both the number of family cases initiated and disposed of. Divorce / dissolution and parental responsibilities and rights are the biggest case types and together account for 95% of family cases initiated ([Figure 7](#)).

Figure 7: Family cases initiated in the civil courts, 2015-16



Does not add to 100% due to rounding

Court of session

Only a small proportion of family cases are heard in the Court of Session (1% in 2015-16). In 2015-16, 137 family cases were initiated in the Court of Session, representing 5% of cases in the General Department of that court ([Table 6](#)). Divorces and dissolutions accounted for 89% of family cases initiated in the Court of Session.

Sheriff courts

There were 12,755 ordinary cause family procedure cases initiated in the sheriff courts during 2015-16, a decrease from the 13,457 cases initiated in 2014-15 ([Table 7](#), [Civil Justice Statistics in Scotland 2014-15 Table 7](#)). The majority were divorce and dissolution cases, which made up 77% of initiated family cases. In 2015-16, 96% of disposed divorce and dissolution cases were undefended, unchanged from the previous year. Decree of divorce or dissolution was granted in the vast majority of cases. Further information on divorce and dissolution cases can be found in the next section.

The majority of the remaining family cases initiated in 2015-16 related to parental responsibilities and rights. Within this category, the 1,039 contact cases were the most common. It should be noted that this statistic relates only to cases where contact is the principal crave. As in previous years, relatively few parental responsibilities and rights cases were disposed of in 2015-16 compared to those initiated (1,610 disposed of and 2,232 initiated). One possible explanation is that these cases can be sisted (suspended) while sheriffs seek further information, and parties may resolve their issues outside court during this time. These cases are not then brought back to court for disposal.

As detailed in the [Recent changes to civil legislation](#) section, the introduction of the [Children's Hearings \(Scotland\) Act 2011](#) has resulted in changes to court business relating to children's hearings reported in [Table 8](#). The Act was implemented in June 2013, and while the statistics for "extend/vary interim order" (previously referred to as child in place of safety) and children's hearings "referral" and "appeal" are based on similar definitions to those used for equivalent statistics previously, caution should be exercised when making comparisons between before and after those changes took effect. The statistics for the category "Children's Hearings Act 2011 – Other" have no direct equivalent.

In 2015-16, the vast majority (90%) 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.

The number of adoption petitions has been relatively stable in recent years. In 2015-16 there were 496 such cases initiated. In contrast, the number of applications initiated for permanence orders with authority to adopt has been rising steadily, and reached 365 in 2015-16. The disposals of adoption petitions and permanence orders with authority to adopt show a similar pattern with nearly all these applications being granted (98% and 95% respectively).

Divorce and dissolution of a civil partnership

Divorce is the formal procedure that ends a marriage while the procedure for ending civil partnerships is known as dissolution.

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.

Divorce and dissolution cases can be raised in either the Court of Session or the sheriff courts. Since 1984, most divorce cases in Scotland have been heard in the sheriff courts.

There are two grounds for divorce, which are:

- The irretrievable breakdown of the marriage, which can be established by:
 - Adultery committed by the defender;
 - Unreasonable behaviour by the defender;
 - One year non-cohabitation and the defender consents to the divorce;
 - Two years non-cohabitation if one party doesn't agree to the divorce.
- Either party being issued with an interim gender recognition certificate.

The grounds for dissolution of a civil partnership and means of proving irretrievable breakdown are similar to those for ending a marriage, although adultery does not establish the irretrievable breakdown of a civil partnership. Same-sex unions from other jurisdictions were not recognised in Scotland until the [Civil Partnership Act 2004](#) came into force and so no dissolutions were possible until then.

Divorces and dissolutions can be applied for using two main procedures in the courts - simplified procedure and ordinary procedure. The simplified procedure is a low-cost, simple method of obtaining a divorce/dissolution in cases where there are no children under 16 and no monetary claims by one spouse or partner against another⁹. Other cases go to court under the ordinary procedure.

⁹ For more detailed information on the simplified divorce procedure see the [Scottish Courts and Tribunals Service website](#).

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.

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.

Divorce and dissolution statistics

Statistics on divorce and dissolution of a civil partnership were previously presented in the [Divorces and Dissolutions in Scotland](#) bulletin. The final bulletin in that series presented information about divorces and dissolutions in 2009-10. Statistics for 2010-11 and onwards have been included in the [Civil Justice Statistics in Scotland bulletin series](#).

The divorce and dissolution statistics presented in [Table 9](#) and [Table 10](#) are based on different Scottish Courts and Tribunals Service data than the other statistics in this bulletin. See the section on [Divorce and dissolution data sources](#) 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](#).

The number of divorces has been slowly decreasing from around 13,300 in 1985 to 8,875 in 2015-16 ([Figure 8](#))¹⁰. 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 2015-16 was 8,875, 2% less than in 2014-15 (9,036) ([Table 9](#)). In 2015-16, 62% of divorces granted used the simplified procedure and 38% used the ordinary procedure.

There were 96 civil partnership dissolutions **granted** in 2015-16, up from 81 in 2014-15 ([Table 10](#)). The vast majority of dissolutions granted in 2015-16 (94%) used the simplified procedure.

¹⁰ 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.

Figure 8: Downward trend of divorces since 1985

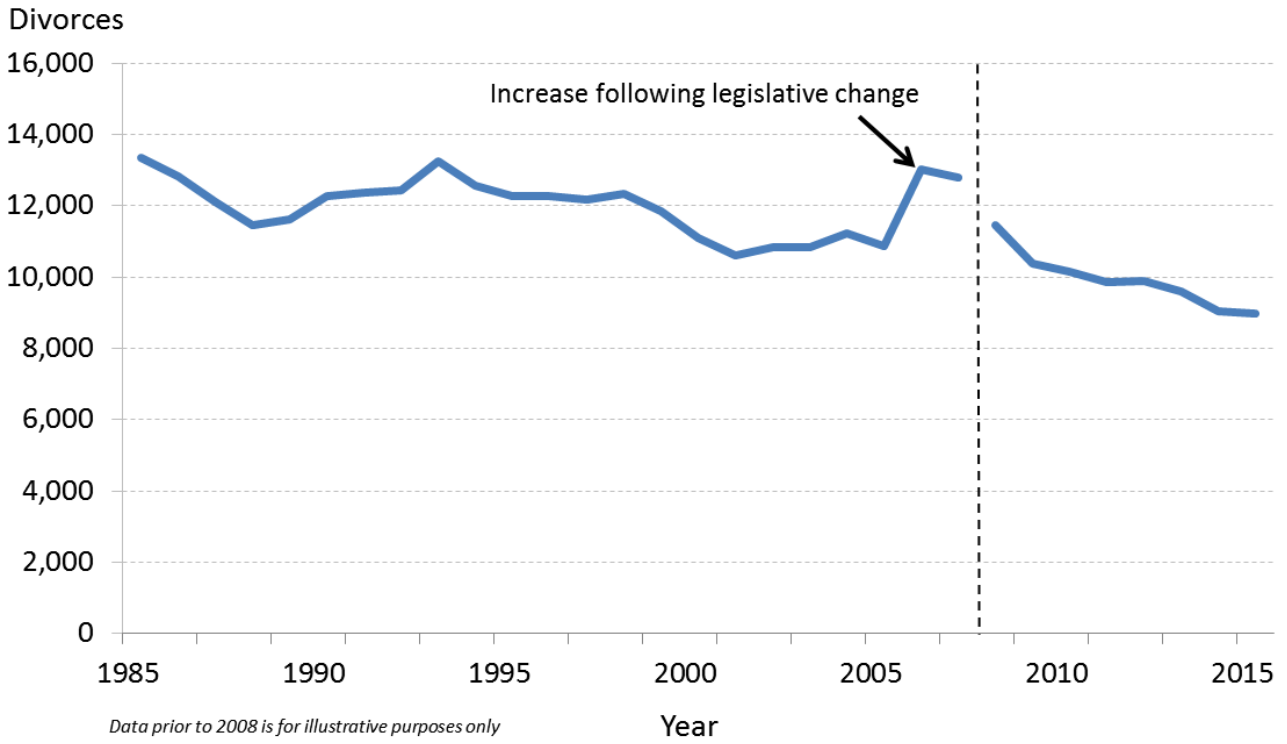
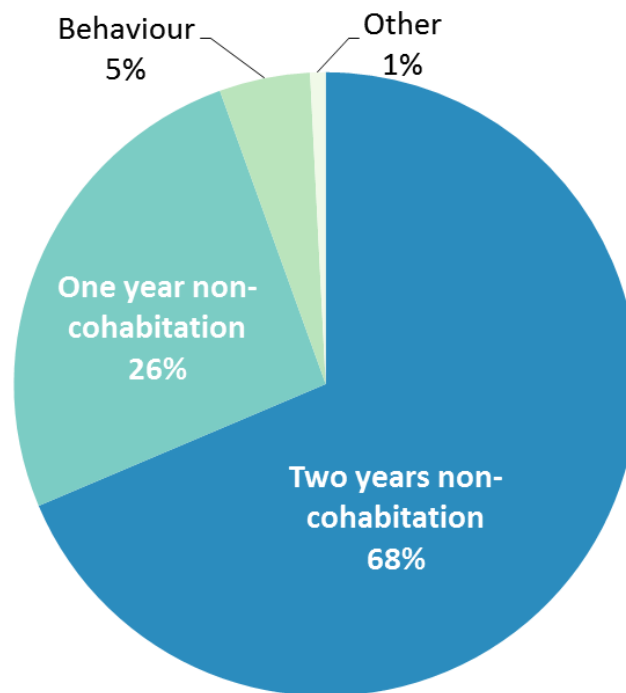


Figure 9 shows the proportion of divorces that were granted in 2015-16 for different reasons¹¹. Non-cohabitation for two years (68% in 2015-16) and non-cohabitation for one year with consent (26% in 2015-16) were the two most common reasons for divorce ([Divorces & Dissolutions Supplementary Table 2](#)). These proportions have not changed much since 2010-11.

Figure 9: Divorces granted by reason, 2015-16



Adultery and gender recognition make up less than 1% of the grounds for divorce

¹¹ These proportions are obtained via the individual-level divorce data as described above.

7. Debt

Debt cases made up 45% of all civil court cases initiated in 2015-16

The number of debt cases has nearly halved since 2008-09

Nearly three-quarters of debt cases initiated in 2015-16 were small claims

Over 90% of disposed debt cases in 2015-16 were undefended

Debt actions in Scotland

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 for goods sold, services provided or money lent they can raise a debt case in court. There are multiple routes to debt management and resolution of debt issues, of which raising a case in court is just one. The Scottish Legal Aid Board has reported on the availability and accessibility of legal services in relation to debt in their [second monitoring report](#), and 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 significant avenue for people seeking assistance with debt issues relative to solicitors.”

In a debt court case, the person raising the action must prove that a debt exists. As debt cases can be for any monetary value and involve disputes between individuals and organisations, all sheriff court procedures (small claims, summary cause, ordinary cause and commercial) can be used. For the period covered by these statistics, debt cases were raised in the sheriff courts if their value was up to £5,000 and in either the sheriff courts or the Court of Session if their value was £5,000 or over before 22 September 2015. Following the introduction of the [Courts Reform \(Scotland\) Act 2014](#), cases initiated from 22 September 2015 were raised in the sheriff court if the value was up to £100,000 and in the Court of Session if over £100,000.

Debt cases made up 45% of all civil court cases initiated in 2015-16 ([Table 11](#), [Table 1](#)).

Scottish Crime and Justice Survey

3% of respondents to the 2014-15 Scottish Crime and Justice Survey reported having money and debt problems. Owner-occupiers had the lowest prevalence of money and debt issues (2%), in contrast to social tenants (6%) and private tenants (4%). Those living in one of the top 15% most deprived areas were also more likely to report an issue related to money and debt (5%) than the rest (3%), as did victims of crime (7%) compared to non-victims (2%).

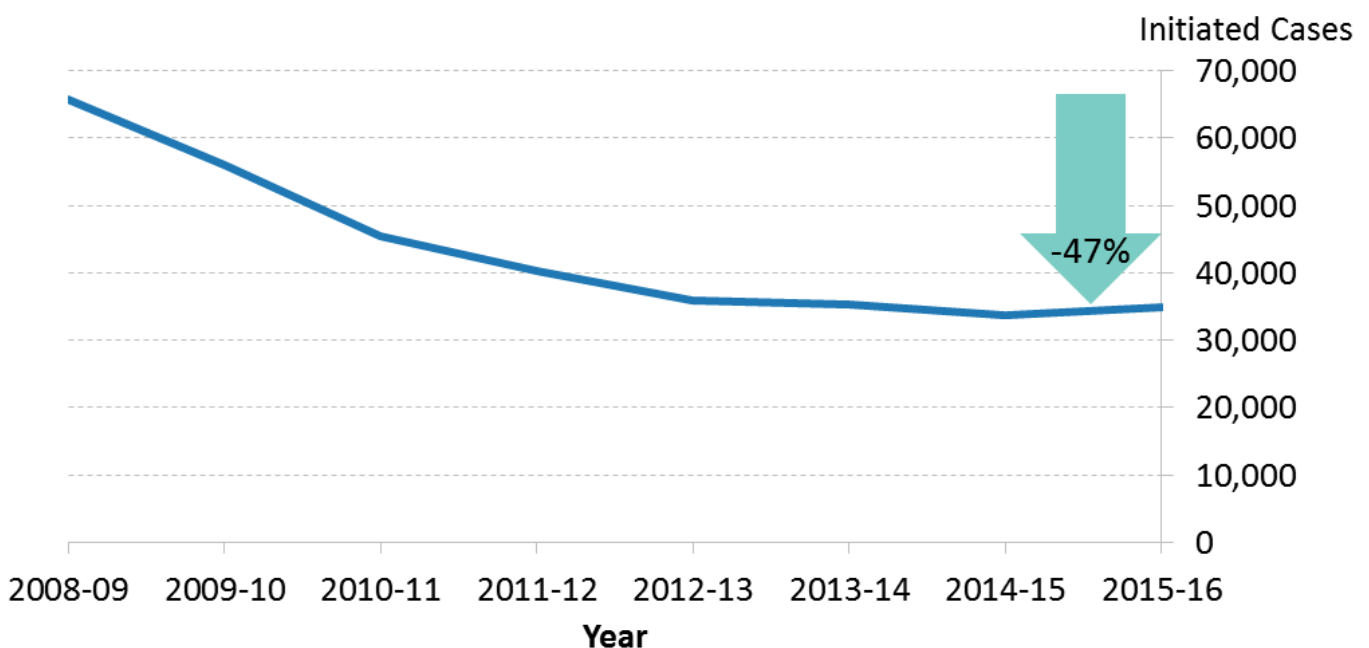
Courts statistics

There were 34,919 debt cases initiated across the sheriff courts and Court of Session in 2015-16 (Table 11). This was 3% more than the number of cases initiated in 2014-15 and 47% lower than in 2008-09 (Figure 10). There are multiple routes for resolving disputes over debt and it is possible that non-court options are becoming increasingly favoured by those pursuing debts.

Nearly three quarters (73%) of debt cases initiated in 2015-16 were small claims. Ordinary procedure and summary cause cases made up most of the rest of the cases and ordinary cause - commercial procedure cases accounted for only 1%. Only a small number of debt cases are raised in the Court of Session (8 cases in 2015-16).

Across all debt case types, 91% of disposed cases were undefended (Table 12). The majority of debt cases (63%) were disposed of in favour of the pursuer.

Figure 10: Overall decrease of debt cases from 2008-09 in the civil courts



8. Personal injury

There was a 5% decrease in personal injury cases initiated in 2015-16 compared to 2014-15

Almost a quarter of personal injury cases were raised in the Court of Session where they made up 72% of the cases in the General Department

Over half of personal injury cases were in relation to a road traffic accident

Personal injury in Scotland

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 claim for compensation can be made using a claims assessor or by taking legal action in a civil court and, if successful, would result in a payment of damages being awarded.

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. Personal injury actions do not cover defamation or any actions which are not commonly understood to be concerned with personal injuries. Such actions are covered in the [Damages](#) section of this bulletin.

Personal injury cases made up 11% of all civil court cases initiated in 2015-16 (Table 13, [Table 1](#)). This includes the cases going through the recently established Sheriff Personal Injury Court, which is a specialised court.

Scottish Crime and Justice Survey

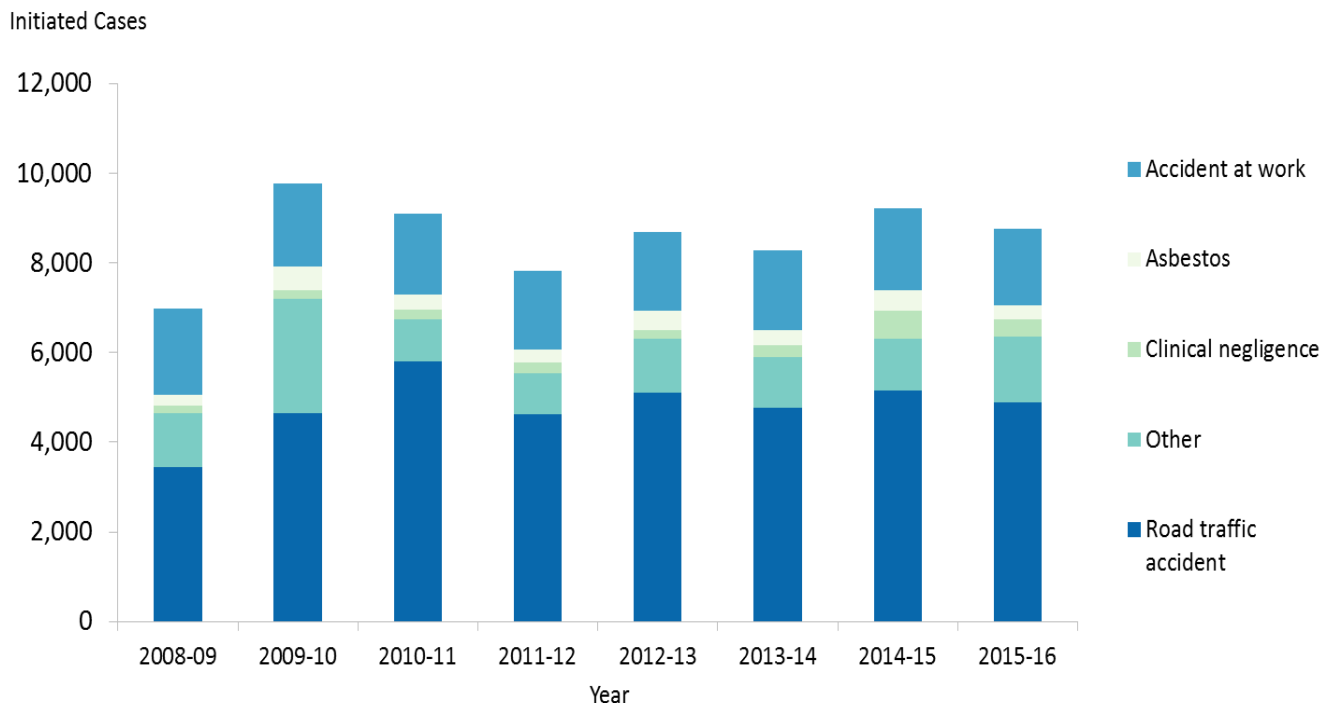
In the 2014-15 Scottish Crime and Justice Survey, 1% of respondents experienced a medical negligence issue and 2% experienced a personal injury problem in the last three years. The prevalence of experiencing at least one of these two issues was higher for crime victims (5%) than for non-victims (2%).

Courts statistics

There were 8,766 personal injury cases initiated in 2015-16, 5% fewer than in 2014-15 (Table 13). The number of personal injury cases has fluctuated markedly since 2008-09. The type of court where personal injury cases can be raised has recently changed under the Courts Reform Act, particularly with the establishment of the specialised Sheriff Personal Injury Court. See the Courts Reform section for more detail. Compared to 2014-15, the number of personal injury cases initiated decreased in the Court of Session (by approximately 900 cases, or 30%) (Table 14, [Civil Justice Statistics in Scotland 2014-15 Table 14](#)) and under ordinary cause in the sheriff courts (by approximately 600 cases, or 19%) (Table 15, [Civil Justice Statistics in Scotland 2014-15 Table 15](#)). The number of cases initiated under summary cause in the sheriff courts stayed approximately the same, while 1,143 cases were initiated for the first time in the new Sheriff Personal Injury Court (Table 1).

As in every year since 2008-09, cases resulting from a road traffic accident made up the greatest proportion of personal injury cases, accounting for 56% of them in 2015-16. There was a decrease of 5% of these personal injury cases from 2014-15 to 2015-16 (Table 13). The fluctuation in road traffic accident related cases over time (Figure 11) contrasts to the downward trend in the number of reported road traffic accident casualties¹².

Figure 11: Personal injury cases by case types



¹² See [Reported Road Casualties Scotland 2015, Transport Scotland](#)

After reaching a peak of 629 cases in 2014-15, the number of clinical negligence cases decreased to 388 cases in 2015-16 (-38%). This remains higher than the approximately 200 cases a year raised from 2008-09 to 2013-14. In the Court of Session, where 72% of clinical negligence cases were raised, the decrease was 49% (from 545 cases in 2014-15 to 280 cases in 2015-16) ([Table 14, Civil Justice Statistics in Scotland 2014-15 Table 14](#)). The 2014-15 peak in clinical negligence cases is thought to be related to the influx of compensation claims associated with mesh implants and breast implants.

In 2015-16 there was also a 34% fall in the number of asbestos cases initiated compared to the previous year, to 300 cases. This is around half of the number of cases initiated in 2009-10 (541 cases). The peak in 2009-10 can be explained in part by the introduction of the [Damages \(Asbestos-related Conditions\) \(Scotland\) Act 2009](#), which came into force in June 2009 and allows individuals with asbestos-related pleural plaques etc. to raise a court case for personal injury.

Many asbestos cases were sisted (suspended) pending the UK Supreme Court's decision as regards a judicial review of the [Damages \(Asbestos-related Conditions\) \(Scotland\) Act 2009](#). Following the decision of the UK Supreme Court dated 12 October 2011 in the case [Axa General Insurance Ltd & Others v The Lord Advocate](#), direction no. 2 of 2012 was made by the Lord President on 27 August 2012 outlining the procedures to be followed in the relevant cases, and disposals have since progressed accordingly.

Across all categories of personal injury cases in the Court of Session, absolvitor was the most common disposal, accounting for two-thirds of all cases disposed of ([Table 14](#)). Absolvitor means that the pursuer is prevented from bringing the same matter to court again, in some of these cases the parties involved would have come to an out-of-court settlement.

In 2015-16, personal injury actions were raised in court in the following proportions ([Tables 13 to 17](#)): Court of Session (24%), sheriff court ordinary cause procedure (30%), sheriff court summary cause procedure (33%) and Sheriff Personal Injury Court (13%).

Accident at work and road traffic accident cases made up the majority of cases raised in the new Sheriff Personal Injury Court (461 and 313 cases respectively, out of a total of 1,143 cases) ([Table 17](#)). This is in comparison to 172 cases disposed of over the same period, with accident at work and road traffic accidents again making up the largest proportion of disposals.

9. Damages

The number of damages cases continued its long-term decline in 2015-16

Small claims made up over half of damages cases initiated in 2015-16, and nearly half of those were dismissed

Over two-thirds of damages cases disposed of in the Court of Session had a decree of absolvitor

Damages in Scotland

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 the [Personal injury](#) section.

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. Generally, the court will award compensation for loss of business or income through a damaged reputation; or loss of property due to a breach of contract.

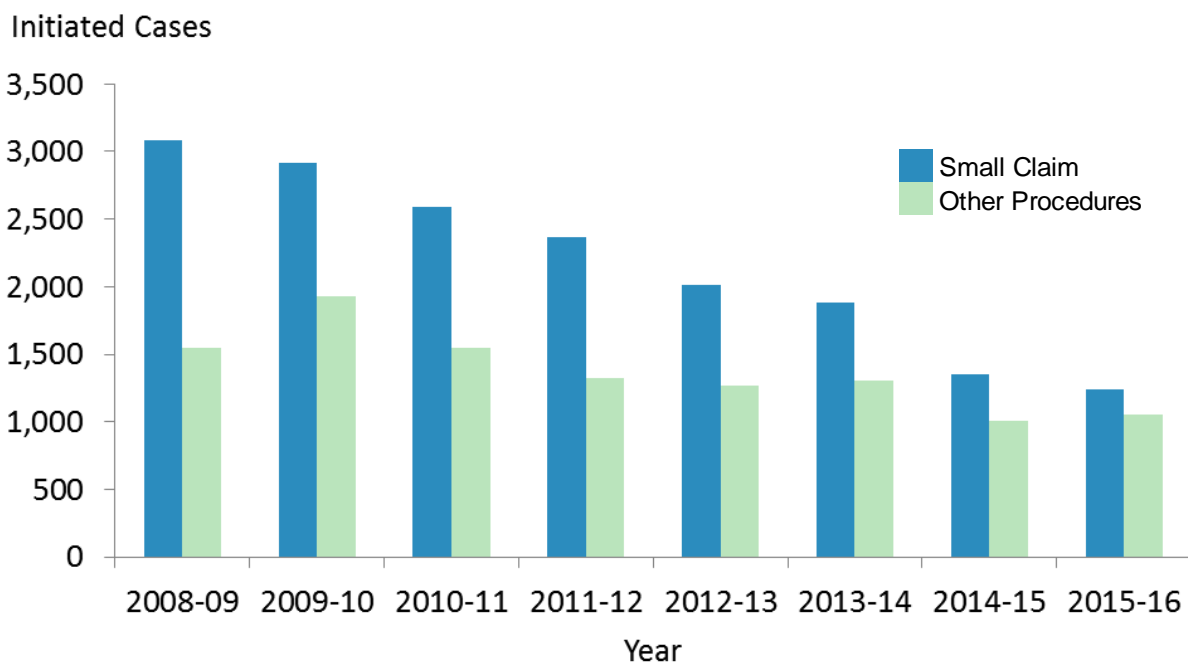
Damages cases made up 3% of all civil court cases initiated in 2015-16 ([Table 18](#), [Table 1](#)).

Courts statistics

There were 2,296 damages cases initiated in 2015-16, a decrease of 2% compared to the previous year, continuing a long-term decline (-50% since 2008-09) (Table 18). Small claims continued to account for a majority of damages cases in 2015-16 (54%), although that proportion has been decreasing since 2008-09 (Figure 12).

45% of small claims damages cases disposed of were dismissed (Table 19). The pattern of disposals for other damages cases was different, with absolvitor being the most common disposal overall, particularly for cases in the Court of Session.

Figure 12: Damages cases initiated in the civil courts



10. Repossession

The number of repossession cases initiated continued to fall in 2015-16 (-43% compared to 2014-15, -82% compared to 2008-09)

Repossession in Scotland

Repossession cases involve the retaking of property when a borrower is in breach or default of a mortgage or loan secured on the property. It is usually the lender that takes ownership of the property, which is often sold to repay the outstanding mortgage or loan balance. Repossession should not be confused with eviction which, for the purposes of these statistics, refers to the removal of tenants from a rented property.

If the mortgage or secured loan lender has concerns about the level of the arrears, or is not satisfied with the proposals to repay them, he or she can raise a repossession claim in the courts. This can only happen after the lender has given a calling-up notice and has complied with pre-action requirements. Until recently, 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 as summary applications instead. Furthermore, the [UK Supreme Court judgment in the RBS v Wilson case](#) on 24 November 2010 directed that all active mortgage-related repossession cases be withdrawn from the courts and resubmitted as summary applications following a two-month waiting period.

However, 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. Accordingly, a number of repossession cases relating to non-residential property or land continue to be raised as ordinary cause.

If successful, the pursuer has the right to take possession of the property. 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 not be ultimately enforced.

Repossession made up 2% of all civil court cases initiated in 2015-16 ([Table 20](#), [Table 1](#)).

Courts statistics

There were 1,874 repossession cases initiated in 2015-16 (Table 20). This represents a 43% decrease compared to 2014-15 and is 82% lower than the number initiated in 2008-09 (Figure 13).

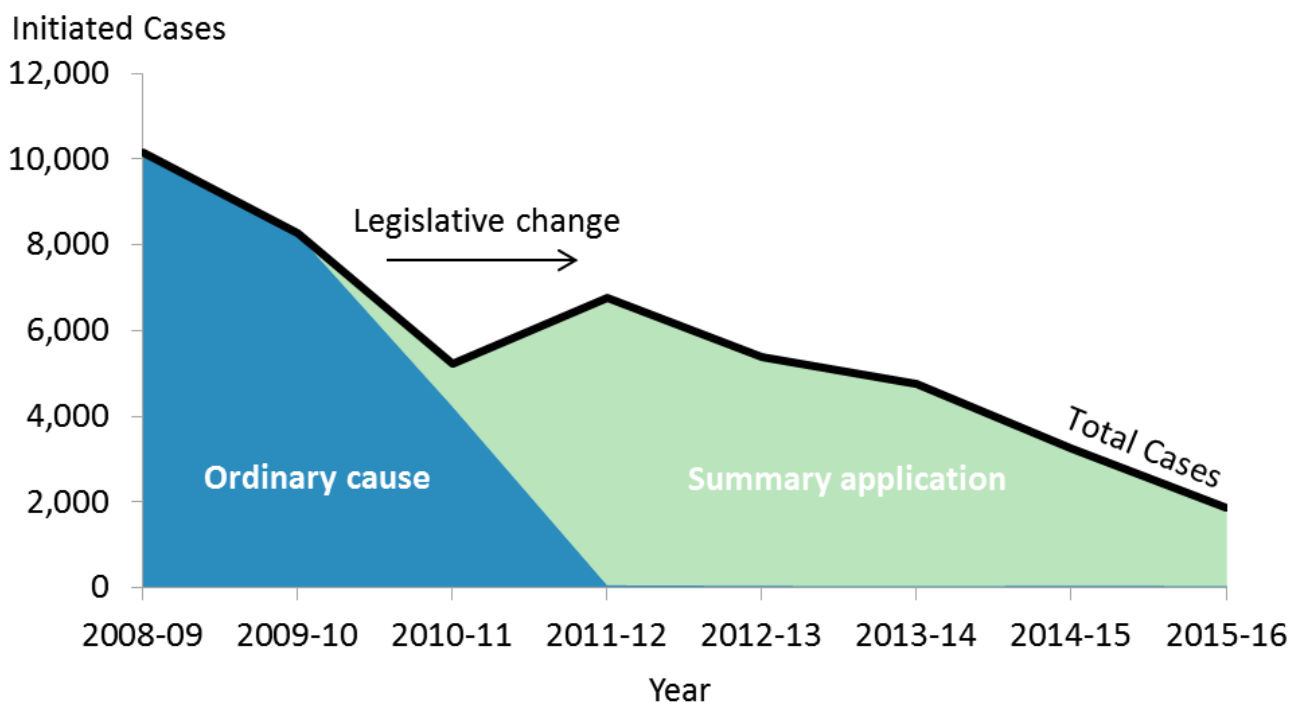
The overall decrease in the number of repossession cases since 2008-09 is likely to be linked to the overall recovery in the Scottish economy during this period.

Part of the decrease in the number of repossession cases initiated in 2015-16 may have been a consequence of the temporary suspension of repossession cases being taken to court by some lenders while the [Bank of Scotland vs Rea case](#) was under way. The case related to the level of charges made against customers with mortgage arrears. Following the decision of the High Court of Justice in Northern Ireland in this case in August 2014, some lenders were required to change their processes for handling arrears, which may have further contributed to the decrease in initiated cases.

The introduction of the [Home Owner and Debtor Protection \(Scotland\) Act 2010](#) and the [UK Supreme Court judgment in the RBS v Wilson case](#) mentioned above resulted in the marked decrease in ordinary cause cases and the corresponding increase in summary applications observed in 2010-11 and 2011-12

In 2015-16, 67% of repossession summary applications were granted (Table 21).

Figure 13: Repossession cases by procedure



11. Eviction

The number of initiated eviction cases rose in 2015-16 for the third year in a row, but numbers are still 26% lower than in 2008-09

Eviction in Scotland

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. Reasons for doing so can include rent arrears, breach of tenancy agreements or when the tenancy comes to an end and the occupier refuses to vacate the property. Most eviction cases relate to rent arrears, rather than for breaches of some other aspect of the tenancy agreement.

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. Eviction should not be confused with repossession which, for the purposes of these statistics, relates to the retaking of property when a borrower is in breach or default of a mortgage or loan secured on the property.

Eviction cases are raised under summary cause procedure within the sheriff courts, and once an eviction order is granted, allow a landlord to legally remove tenants from the property and retake possession of it. It is important to note that by granting an eviction order, the courts permit the eviction process to proceed, but this does not mean that eviction will necessarily take place.

Eviction cases made up 19% of all civil court cases initiated in 2015-16 ([Table 22](#), [Table 1](#)). The eviction statistics in this release relate to tenants of rented properties in social housing (local authority and registered social landlords) and private sector tenants. Detailed statistics on the eviction of local authority tenants are available from [Scottish Government Housing](#).

Courts statistics

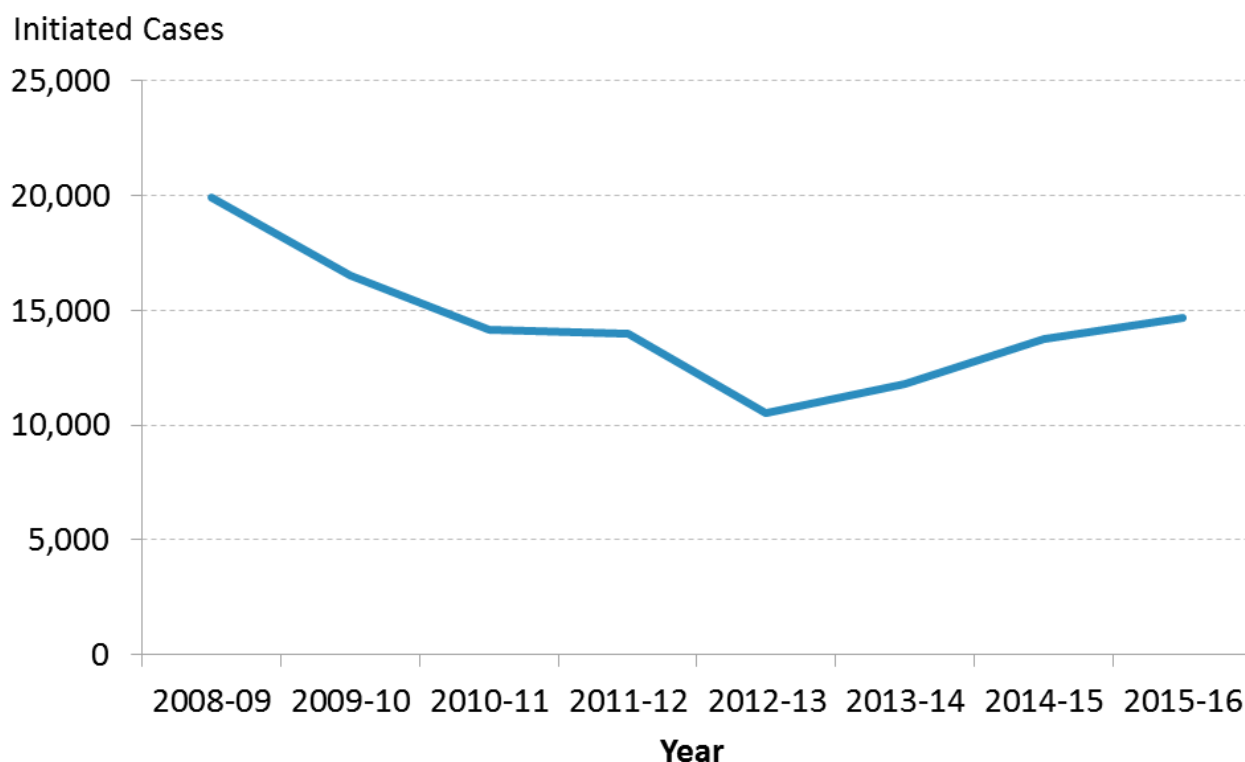
There were 14,690 eviction cases initiated in 2015-16 related to tenants of properties in the social housing and private sectors ([Table 22](#)). This represented a 7% rise on 2014-15, but was still 26% lower than in 2008-09 ([Figure 14](#)).

The majority of eviction cases initiated in 2015-16 (approximately 60%) related to local authority tenants¹³. [Data published by the Scottish Housing Regulator](#) (not Official Statistics) suggest that a large majority of the remaining cases were initiated by Registered Social Landlords.

The increased focus on the management of rent arrears cases by local authorities and registered social landlords is likely to have contributed to the overall reduction in social rented sector rent arrears cases coming to court since 2008-09. Measures to strengthen the protection for such tenants where eviction action for rent arrears is being considered, including pre-action requirements, were also introduced in the [Housing \(Scotland\) Act 2010](#) and came into force on 1 August 2012. However, the factors behind the increase in the number of initiated eviction cases since 2012-13 are less clear.

Over half of eviction cases were found “for pursuer”, and 95% of cases were undefended ([Table 23](#)).

Figure 14: Eviction cases initiated in the sheriff courts



¹³ See [Housing Statistics for Scotland - Evictions, Scottish Government](#)

12. Recent changes to civil legislation

Children's hearings

The introduction of the [Children's Hearings \(Scotland\) Act 2011](#) has resulted in changes to the court business relating to children's hearings reported in the [Family](#) section of this bulletin. In general, the summary applications raised in court under the new Act have equivalents in the [Children \(Scotland\) Act 1995](#). Therefore this bulletin reports a single set of statistics that comprise applications raised under the old Act up to June 2013 and applications raised since then under the new Act.

The statistics shown for children's hearings referral relate to summary applications that are the same under the 2011 Act as the 1995 Act. The applications that make up the children's hearings appeal statistics are slightly wider in the 2011 Act compared to the 1995 Act. The "extend/vary interim order" statistics are based on applications to extend/vary interim compulsory supervision orders and further extension of interim compulsory supervision orders which are broadly equivalent to section 67 (further detention) of the 1995 Act. Prior to 2013-14, editions of this bulletin referred to these statistics as "Child in place of safety". The "Children's Hearings Act 2011 –other" category includes some applications raised under section 76 of the 1995 Act as well as child protection orders and child assessment orders from the 2011 Act and a range of miscellaneous cases. These changes mean that the total number of cases shown in [Table 8](#) is not comparable to the total number of cases in equivalent tables from editions of this bulletin prior to 2013-14.

Courts Reform

The [Courts Reform \(Scotland\) Act 2014](#) introduced a raft of reforms to the way in which civil law cases are dealt with by the courts in Scotland. More information can be found under the Courts Reform section.

Marriage and civil partnership

Among other measures, the [Marriage and Civil Partnership \(Scotland\) Act 2014](#) made provision for the marriage of persons of the same sex. Ultimately, this will affect statistics on divorce and dissolution, although there is no impact on the statistics reported in this edition of the bulletin.

Repossession

The [Home Owner and Debtor Protection \(Scotland\) Act 2010](#) came into force on 30 September 2010. This Act included a change to the way that repossession cases related to mortgages and loans related to residential property are raised in court so that these are now raised as summary applications. Previously, nearly all court actions for repossession were made using ordinary cause procedure.

The statistics for court actions relating to repossessions are also affected by the [UK Supreme Court judgment in the RBS v Wilson case](#), issued on 24 November 2010. This resulted in all repossession cases being withdrawn from the courts and resubmitted as summary applications following the completion of the two-month waiting period required by the judgment. These changes are reflected in the civil law statistics, which show a drop to almost zero in the number of ordinary cause – ordinary procedure repossession cases and a corresponding rise in the number of summary application repossession cases. More information on the effect of these changes on civil law statistics is available from Civil Law Statistics in Scotland 2011-12.

Eviction

Measures to strengthen the protection for social sector tenants against eviction for rent arrears were introduced in the [Housing \(Scotland\) Act 2010](#) and came into force on 1 August 2012.

Personal injury - asbestos

The statistics for asbestos-related pleural plaques cases in 2008-09 were affected by the impact of a [House of Lords decision](#) in October 2007, which upheld a majority decision of the Court of Appeal in England (and which was not binding on the courts in Scotland) that the existence of pleural plaques did not constitute actionable damage. Prior to this decision, individuals had been able to bring claims for compensation for pleural plaques since the 1980s.

The subsequent increase in asbestos-related pleural plaques cases in 2009-10 was mainly due to the [Damages \(Asbestos-related Conditions\) \(Scotland\) Act 2009](#), which came into force in June 2009 and allows individuals with asbestos-related pleural plaques and related conditions to raise a court case for personal injury. There have been relatively few disposals of these cases, as many were sisted (suspended) pending the UK Supreme Court's decision as regards a [petition challenging the validity of the legislation](#) which was lodged on behalf of a consortium of insurers.

That challenge was successfully defended in the Court of Session Outer House, the Court of Session Inner House and the Supreme Court in January 2010, April 2011 and October 2011 respectively, and the legislation remains in force.

13. Civil courts and procedures in Scotland

Most civil law court cases involve disputes between people or organisations and are heard in a [sheriff court](#) or the [Court of Session](#) (see [Figure 1](#) diagram).

Up until 27 November 2016, civil law cases could be carried out using one of four **procedures**:

Small claims – This is intended to be a relatively informal procedure for resolving disputes and is used where the case involves any monetary claim up to £3,000, except where the claim relates to aliment, defamation or personal injury. Cases carried out using this procedure may be heard only in the sheriff courts.

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.

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 Act. More information can be found under the [Courts Reform](#) section.

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.

Note that a new **simple procedure** was introduced by the [Courts Reform \(Scotland\) Act 2014](#), amalgamating summary cause and small claims actions in the sheriff courts from 28 November 2016. The statistics presented in this bulletin pre-date and are unaffected by this change. More information can be found in the [Courts Reform](#) section.

Sheriff courts

Sheriff courts are local courts of civil jurisdiction in Scotland ([Figure 15](#)). They also have jurisdiction in criminal law cases.

Most civil law cases are heard before a **sheriff**. Each sheriffdom has a senior judicial officer, known as a **Sheriff Principal**, who determines certain types of inquiry, performs statutory administrative functions and also has responsibility for the effective and efficient disposal of business in the sheriff courts (as well as the criminal Justice of the Peace courts) within the sheriffdom.

Note that new **summary sheriffs** were created in 1 April 2016 by the [Courts Reform \(Scotland\) Act 2014](#). More information can be found in the [Courts Reform](#) section.

Sheriff courts also deal with commissary business relating to succession and access to a deceased person's estate. Commissary work mainly involves issuing confirmations, which are legal documents sometimes required by organisations such as banks, before they can release money and other property that belonged to someone who has died.

From 22 September 2015, litigants can choose to raise personal injury actions valued up to £100,000 either in their local sheriff court or in the new **Sheriff Personal Injury Court**. More information can be found in the [Courts Reform](#) section.

Since January 2016, **appeals** of civil cases which have been disposed of in the sheriff courts (whether by summary sheriffs, sheriffs or Sheriffs Principal (when sitting in first instance)) go to the new **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:

- Small claims appeals must be made to the Sheriff Appeal Court whose decision is final.
- Summary cause appeals must also be made to the Sheriff Appeal Court in the first instance, but the judgment of the Sheriff Appeal Court may, if the case is certified as suitable, be appealed to the Court of Session.
- Ordinary cause appellants will generally appeal to either the Sheriff Appeal Court. Where the case is appealed to the Sheriff Appeal Court it may, in some circumstances, be further appealed to the Court of Session.

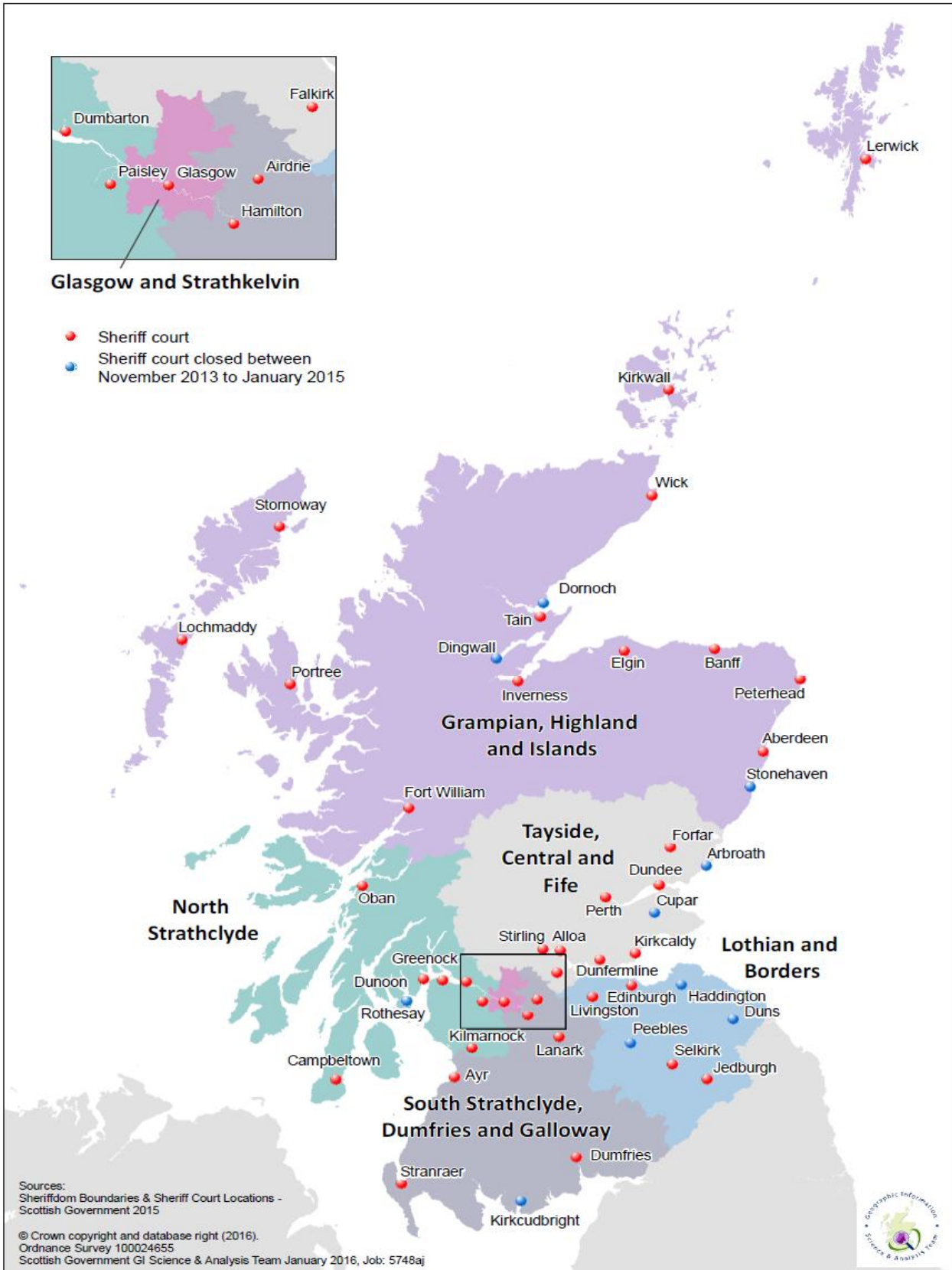
In some cases, legislation provides that challenges to administrative decisions can be taken directly to the Sheriff Principal. One example would be alcohol licencing decisions made by licensing boards. In these cases, onward appeal from the decision of the Sheriff Principal is to the Court of Session rather than to the Sheriff Appeal Court.

Personal injury cases heard in the Sheriff Personal Injury Court could be appealed to the Court of Session until the Sheriff Appeal Court was established on January 2016. They are now appealed to that court.

In most cases, an appeal can be made to the Sheriff Appeal Court without the permission of the sheriff hearing the case. However, some decisions made by sheriffs can only be appealed with the sheriff's permission.

Onward appeal of decisions of the Sheriff Appeal Court (Civil) to the Court of Session require the permission of the Sheriff Appeal Court, or, failing such permission, the permission of the Court of Session. Permission will be granted only if either court considers that the appeal would raise an important point of principle or practice, or there is some other compelling reason for the Court of Session to hear the appeal. This is sometimes known as the "second appeals test".

Figure 15: Location of the sheriff courts in Scotland in 2015-16



1. 10 sheriff courts closed between November 2013 and January 2015. Further information on court closures are available from the [Scottish Courts and Tribunals Service](#).

Court of Session

The Court of Session is the highest civil court in Scotland.

Cases before the Court of Session are normally initiated in either:

- The **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.
- The **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 courts 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](#), which was established on 1 October 2009 and replaced the House of Lords in its judicial function. Since 22 September 2015, such appeals require the permission of the Inner House or, failing such permission, the permission of the UK Supreme Court. Before that date, permission by the Inner House was generally not required, but appeals had to be certified by two Scottish counsel as “reasonable”. Statistics on appeals from the Court of Session to the UK Supreme Court can be found in [Table 26](#) Since 22 September 2015, of the 12 applications disposed of, one was granted to appeal to the UK Supreme Court.

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 operate in areas of devolved competence and are administered by the Scottish Courts and Tribunals Service. Examples include the [Mental Health Tribunal for Scotland](#) and the [Additional Support Needs Tribunals for Scotland](#).

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](#).

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

Note that the structure of devolved tribunals is currently being reformed, and the [Scotland Act 2016](#) put in place arrangements to devolve the administration of reserved tribunals to the Scottish Parliament. More information can be found in the [Courts Reform](#) section.

More information

More information on civil courts and procedure in Scotland can be found in the [Scottish Parliament Information Centre](#) (SPICe) briefings [Civil Justice - Civil Courts and Tribunals](#) and [Civil Justice - Going to Court](#).

14. Quality of the statistics

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 SCTS for this bulletin was extracted from the electronic Case Management System (CMS). This system is currently being replaced by a new Integrated Case Management System (iCMS), which has handled sheriff courts data since 31 October 2016. The Court of Session is expected to move onto this new system in 2017. Future editions of this bulletin will make use of iCMS data, at least in part.

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 have also been 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.

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 2015-16 can be compared with statistics for 2008-09 onward. 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 is shown in this bulletin for illustrative purposes only.

Ordinary cause

The number of ordinary cause cases disposed of is an underestimate. 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 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 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.

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 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.

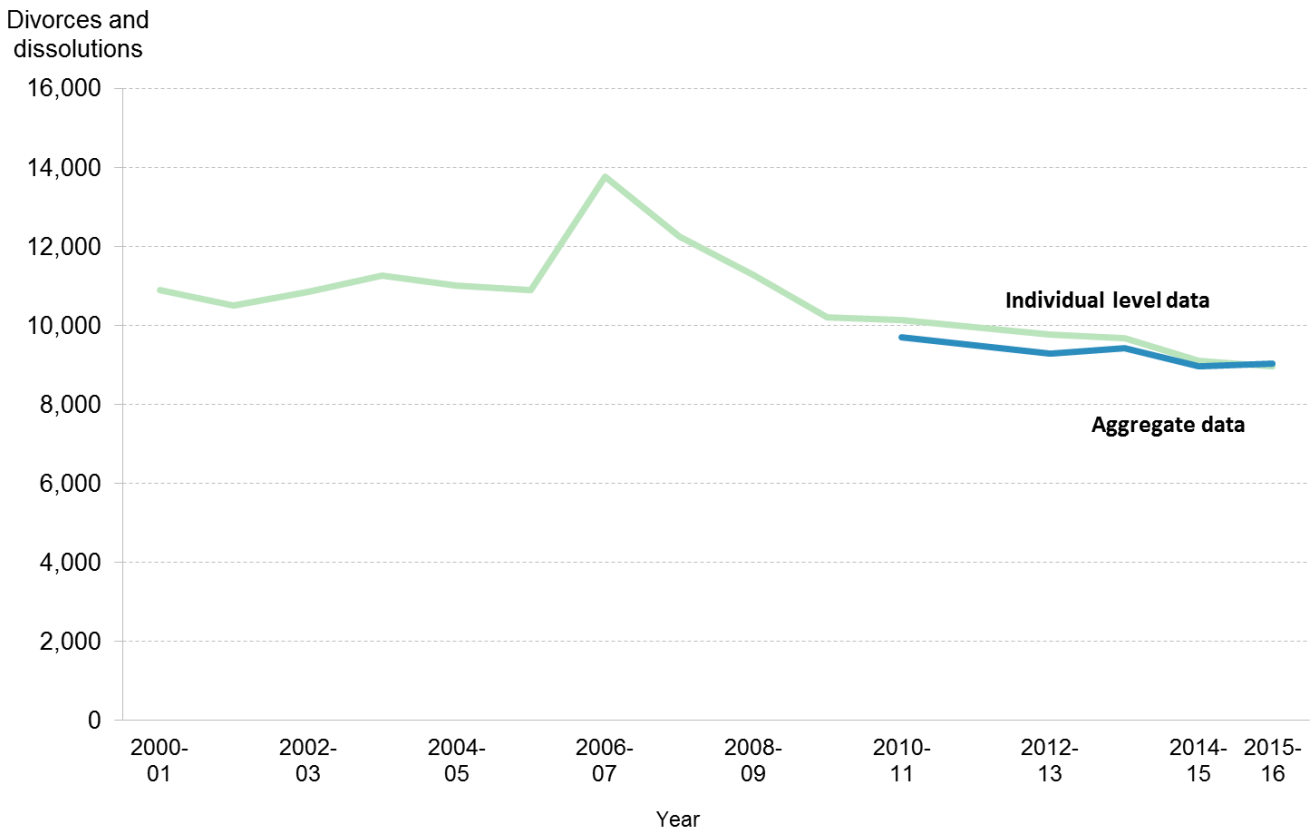
Court of Session – personal injury cases

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.

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 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 16](#) 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.

Figure 16: Total number of divorces and dissolutions from individual-level and aggregate data



15. 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.

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 s8 and s8A](#) (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 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 s76](#)).

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 s4](#)).

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 alter 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 immovable 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 s11](#).

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 s11\(2\)\(d\)](#)).

Parental responsibilities and rights - residence

Regulate the arrangements as to with whom a child under 16 is to live ([Children \(Scotland\) Act 1995 s11\(2\)\(c\)](#)).

Parental responsibilities and rights - other

Other actions relating to parental responsibilities and rights under the [Children \(Scotland\) Act 1995 s11](#), 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 s80](#)).

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.

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.

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.

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.

16. Statistics tables

Table 1: Civil law cases initiated and disposed of¹ in the Court of Session², sheriff courts³ and Sheriff Personal Injury Court⁴, 2008-09 to 2015-16

Cases		2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	% change since 2014-15	% change since 2008-09
Initiated	Court of Session	5,329	6,102	5,141	4,718	4,911	4,561	5,164	4,358	-16	-18
	Sheriff courts	126,304	111,737	92,308	80,502	72,510	72,511	71,605	72,220	1	-43
	Sheriff Personal Injury Court	z	z	z	z	z	z	z	1,143	z	z
	All courts	131,633	117,839	97,449	85,220	77,421	77,072	76,769	77,721	1	-41
Disposed	Court of Session	4,022	4,356	4,295	4,856	4,712	4,911	4,782	4,405	-8	10
	Sheriff courts	111,541	104,831	87,504	77,147	68,781	65,356	65,805	66,232	1	-41
	Sheriff Personal Injury Court	z	z	z	z	z	z	z	172	z	z
	All courts	115,563	109,187	91,799	82,003	73,493	70,267	70,587	70,809	0	-39

60

1. Figures for initiations and disposals do not necessarily refer to the same cases.
2. Excludes appeals and reclaiming motions in the inner house.
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 of¹ in the Court of Session, 2008-09 to 2015-16

Court of Session department	Cases	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	% change since 2014-15	% change since 2008-09
General Department	Initiated	3,736	4,429	3,688	3,354	3,536	3,258	3,812	2,922	-23	-22
	Disposed	2,961	3,167	3,187	3,455	3,405	3,656	3,582	3,123	-13	5
Petition Department	Initiated	1,473	1,555	1,358	1,223	1,211	1,179	1,213	1,268	5	-14
	Disposed	988	1,094	1,035	1,299	1,191	1,126	1,062	1,136	7	15
Inner House²	Initiated	120	118	95	141	164	124	139	168	21	40
	Disposed	73	95	73	102	116	129	138	146	6	100
Total	Initiated	5,329	6,102	5,141	4,718	4,911	4,561	5,164	4,358	-16	-18
	Disposed	4,022	4,356	4,295	4,856	4,712	4,911	4,782	4,405	-8	10

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: Cases¹ initiated and disposed of² in the sheriff courts³, by procedure, 2008-09 to 2015-16

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	% change	% change
										since 2014-15	since 2008-09
Initiated	Ordinary cause	46,477	42,823	34,123	26,021	24,957	24,026	23,628	23,212	-2	-50
	Summary cause	32,736	27,464	23,799	22,783	18,510	18,852	20,624	22,160	7	-32
	Small claim	47,091	41,450	34,386	31,698	29,043	29,633	27,353	26,848	-2	-43
	Total initiated	126,304	111,737	92,308	80,502	72,510	72,511	71,605	72,220	1	-43
Disposed	Ordinary cause	38,902	33,911	29,768	23,410	20,733	19,575	18,768	19,102	2	-51
	Summary cause	31,231	27,568	24,036	22,434	19,831	17,876	18,984	20,638	9	-34
	Small claim	41,408	43,352	33,700	31,303	28,217	27,905	28,053	26,492	-6	-36
	Total disposed	111,541	104,831	87,504	77,147	68,781	65,356	65,805	66,232	1	-41

1. Excludes summary applications.

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

3. Excludes Sheriff Personal Injury Court.

Table 4: Cases¹ initiated and disposed of² in the sheriff courts³, by sheriffdom, 2008-09 to 2015-16

Cases	Sheriffdom	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	% change since 2014-15	% change since 2008-09	2015-16 cases
												per 1,000 population ⁴
Initiated	Tayside, Central and Fife	22,456	20,204	16,816	14,759	14,006	13,590	13,806	13,478	-2	-40	12
	Glasgow and Strathkelvin	24,919	22,389	17,784	16,305	14,313	13,433	11,517	11,853	3	-52	16
	South Strathclyde, Dumfries and Galloway	22,949	19,457	16,869	14,171	12,968	12,870	12,929	14,028	9	-39	16
	Lothian and Borders	24,469	21,439	16,211	14,148	11,554	11,755	13,022	12,552	-4	-49	13
	North Strathclyde	17,177	14,907	12,954	10,577	9,932	10,447	10,096	10,286	2	-40	13
	Grampian, Highlands and Islands	14,334	13,341	11,674	10,542	9,737	10,416	10,235	10,023	-2	-30	11
	Scotland total initiated	126,304	111,737	92,308	80,502	72,510	72,511	71,605	72,220	1	-43	13
Disposed	Tayside, Central and Fife	20,160	18,730	16,081	14,343	13,268	12,476	12,782	13,079	2	-35	12
	Glasgow and Strathkelvin	21,315	20,059	16,134	15,630	13,544	11,828	10,303	10,139	-2	-52	14
	South Strathclyde, Dumfries and Galloway	20,829	18,759	15,979	13,749	12,466	11,801	11,655	12,524	7	-40	14
	Lothian and Borders	20,384	20,948	15,957	13,494	11,595	11,029	11,700	11,538	-1	-43	12
	North Strathclyde	15,687	13,455	12,218	9,921	8,803	8,949	9,590	9,358	-2	-40	12
	Grampian, Highlands and Islands	13,166	12,880	11,135	10,010	9,105	9,273	9,775	9,594	-2	-27	11
	Scotland total disposed	111,541	104,831	87,504	77,147	68,781	65,356	65,805	66,232	1	-41	12

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-2015 small area population estimates provided by National Records of Scotland.

Table 5: Family procedure cases¹ initiated and disposed of² in the civil courts³, by case type, 2008-09 to 2015-16

Cases	Case type	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	% change since 2014-15	% change since 2008-09
Initiated	Divorce / dissolution	11,752	11,159	11,018	10,678	10,355	10,573	10,301	9,981	-3	-15
	Parental responsibilities & rights	2,364	2,742	2,713	2,272	2,751	2,479	2,587	2,240	-13	-5
	Interdict	381	409	262	329	370	352	292	278	-5	-27
	Aliment	82	88	89	69	58	77	65	49	-25	-40
	Exclusion order	7	18	26	14	14	16	19	14	-26	100
	Nullity of marriage / civil partnership	0	0	2	1	0	0	1	0	-100	z
	Other	250	317	386	316	314	356	340	330	-3	32
	Total initiated	14,836	14,733	14,496	13,679	13,862	13,853	13,605	12,892	-5	-13
Disposed	Divorce / dissolution	11,538	10,750	10,115	9,879	9,571	9,809	9,349	9,390	0	-19
	Parental responsibilities & rights	1,276	1,416	1,596	1,542	1,638	1,634	1,575	1,613	2	26
	Interdict	93	134	140	137	166	146	152	158	4	70
	Aliment	55	46	50	64	32	54	40	36	-10	-35
	Exclusion order	11	4	8	6	6	8	4	8	100	-27
	Nullity of marriage / civil partnership	0	0	2	2	0	1	0	1	z	z
	Other	177	198	216	234	210	228	203	236	16	33
	Total disposed	13,150	12,548	12,127	11,864	11,623	11,880	11,323	11,442	1	-13

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 disposed¹ of in the Court of Session, by case type 2015-16

Case type	Initiated	Disposed	Disposed							
			Absolutor	Dismissed		For pursuer		Expenses only		Other
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Aliment	0	0	0	0	0	0	0	0	0	0
Divorce / dissolution	122	114	0	1	3	8	100	0	0	2
<i>Ordinary divorce</i>	52	37	0	1	2	7	25	0	0	2
<i>Simplified divorce</i>	67	74	0	0	1	1	72	0	0	0
<i>Ordinary dissolution</i>	0	1	0	0	0	0	1	0	0	0
<i>Simplified dissolution</i>	3	2	0	0	0	0	2	0	0	0
Exclusion order²	0	0	0	0	0	0	0	0	0	0
Interdict	3	0	0	0	0	0	0	0	0	0
Nullity of marriage / civil partnership	0	1	0	0	0	0	1	0	0	0
Parental responsibilities & rights	8	3	0	0	1	1	1	0	0	0
<i>Contact</i>	3	0	0	0	0	0	0	0	0	0
<i>Residence</i>	4	3	0	0	1	1	1	0	0	0
<i>Other</i>	1	0	0	0	0	0	0	0	0	0
Other	4	7	2	1	0	1	3	0	0	0
Total	137	125	2	2	4	10	105	0	0	2

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.

Table 7: Family procedure cases initiated and disposed¹ of in the sheriff courts, by case type 2015-16

Case type	Initiated	Disposed	Disposed							
			Absolvitor	Dismissed		For pursuer		Expenses only		Other
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Aliment	49	36	1	12	2	12	8	0	0	1
Divorce / dissolution	9,859	9,276	3	64	253	301	8,625	5	1	24
<i>Ordinary divorce</i>	3,912	3,350	3	60	27	301	2,934	5	1	19
<i>Simplified divorce</i>	5,848	5,835	0	4	226	0	5,600	0	0	5
<i>Ordinary dissolution</i>	6	4	0	0	0	0	4	0	0	0
<i>Simplified dissolution</i>	93	87	0	0	0	0	87	0	0	0
Exclusion order²	14	8	0	2	1	1	2	0	0	2
Interdict	275	158	1	43	21	30	47	0	0	16
Nullity of marriage / civil partnership	0	0	0	0	0	0	0	0	0	0
Parental responsibilities & rights	2,232	1,610	4	424	100	511	459	6	0	106
<i>Contact</i>	1,039	680	2	249	54	268	54	1	0	52
<i>Residence</i>	712	506	1	77	21	139	224	2	0	42
<i>Other</i>	481	424	1	98	25	104	181	3	0	12
Other	326	229	13	74	14	39	75	4	0	10
Total	12,755	11,317	22	619	391	894	9,216	15	1	159

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.

**Table 8: Family-related summary application cases initiated and disposed of^{1,2},
by case type and final disposal, 2015-16**

Case type	Initiated	Disposed	Disposed					
			Granted	Dismissed	Refused	Dropped from roll	Withdrawn	Other
Adoption Petitions ³	496	444	437	0	0	0	7	0
Extend/vary interim order ⁴	3,160	2,482	2,231	33	18	111	57	32
Children's hearings – appeal ⁴	1,014	813	301	110	256	43	57	46
Children's hearings – referral ⁴	3,315	2,646	2,104	114	20	56	43	309
Children's Hearings Act 2011 - Other ⁵	706	424	359	9	45	1	4	6
Permanence orders with authority to adopt	365	291	276	6	3	0	6	0

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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 2015-16 bulletin.
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).
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 Assessment Order as well as a range of miscellaneous cases.

Table 9: Divorces granted¹ in the civil courts by procedure, 2011-12 to 2015-16

Year	Court	Ordinary	Simplified	Total
2015-16	Court of Session	35	69	104
	Sheriff courts	3,301	5,470	8,771
	Total	3,336	5,539	8,875
2014-15	Court of Session	24	74	98
	Sheriff courts	3,365	5,573	8,938
	Total	3,389	5,647	9,036
2013-14	Court of Session	28	52	80
	Sheriff courts	3,692	5,854	9,546
	Total	3,720	5,906	9,626
2012-13	Court of Session	34	73	107
	Sheriff courts	3,940	5,647	9,587
	Total	3,974	5,720	9,694
2011-12	Court of Session	26	75	101
	Sheriff courts	4,053	5,749	9,802
	Total	4,079	5,824	9,903

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.

Table 10: Dissolutions granted¹ in the civil courts by procedure, 2011-12 to 2015-16

Year	Court	Ordinary	Simplified	Total
2015-16	Court of Session	1	2	3
	Sheriff courts	5	88	93
	Total	6	90	96
2014-15	Court of Session	0	2	2
	Sheriff courts	3	76	79
	Total	3	78	81
2013-14	Court of Session	0	3	3
	Sheriff courts	7	51	58
	Total	7	54	61
2012-13	Court of Session	0	3	3
	Sheriff courts	4	60	64
	Total	4	63	67
2011-12	Court of Session	0	3	3
	Sheriff courts	3	40	43
	Total	3	43	46

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.

Table 11: Debt cases initiated and disposed of¹ in the civil courts, by case type, 2008-09 to 2015-16

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	% change since 2014-15	% change since 2008-09
Initiated	Court of Session	23	1	4	8	6	5	70	8	-89	-65
	Sheriff: ordinary cause	14,669	12,054	9,200	6,944	5,487	4,586	4,407	5,342	21	-64
	Sheriff: commercial	400	318	223	266	222	241	378	335	-11	-16
	Sheriff: summary cause	7,157	5,307	4,415	3,922	3,381	3,114	3,258	3,896	20	-46
	Sheriff: small claim	43,549	38,251	31,533	29,110	26,803	27,444	25,642	25,338	-1	-42
	Total initiated	65,798	55,931	45,375	40,250	35,899	35,390	33,755	34,919	3	-47
Disposed	Court of Session	28	16	2	2	2	6	4	8	100	-71
	Sheriff: ordinary cause	12,553	10,150	7,729	5,885	4,534	3,566	3,520	3,902	11	-69
	Sheriff: commercial	252	231	166	175	117	143	303	222	-27	-12
	Sheriff: summary cause	7,097	5,772	4,337	3,884	3,324	2,906	3,199	3,490	9	-51
	Sheriff: small claim	38,594	40,347	31,026	28,934	26,023	25,876	26,319	24,953	-5	-35
	Total disposed	58,524	56,516	43,260	38,880	34,000	32,497	33,345	32,575	-2	-44

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

Table 12: Debt cases initiated and disposed of¹ in the civil courts, by case type and final disposal, 2015-16

Case type	Initiated	Disposed	Disposed							Other
			Absolvitor	Dismissed		For pursuer		Expenses only		
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Court of Session	8	8	4	2	0	0	2	0	0	0
Sheriff: ordinary cause	5,342	3,902	362	167	305	240	2,747	26	6	49
Sheriff: commercial	335	222	47	5	21	16	125	2	0	6
Sheriff: summary cause	3,896	3,490	162	110	828	45	2,298	5	9	33
Sheriff: small claim	25,338	24,953	602	575	8,315	241	14,682	21	301	216
Total	34,919	32,575	1,177	859	9,469	542	19,854	54	316	304

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

Table 13: Personal injury cases initiated and disposed of¹ in the civil courts², by case type, 2008-09 to 2015-16

Cases	Case type	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	% change since 2014-15	% change since 2008-09
Initiated	Road traffic accident	3,441	4,635	5,790	4,613	5,106	4,770	5,143	4,897	-5	42
	Accident at work	1,921	1,844	1,802	1,750	1,758	1,797	1,817	1,721	-5	-10
	Clinical negligence	173	189	207	222	203	262	629	388	-38	124
	Asbestos	242	541	345	294	436	320	458	300	-34	24
	Other	1,211	2,557	955	931	1,190	1,138	1,163	1,460	26	21
	Total initiated	6,988	9,766	9,099	7,810	8,693	8,287	9,210	8,766	-5	25
Disposed	Road traffic accident	1,588	2,977	4,607	4,619	4,130	3,893	3,970	4,197	6	164
	Accident at work	1,343	1,596	1,529	1,627	1,570	1,653	1,623	1,560	-4	16
	Clinical negligence	32	104	124	133	154	178	195	238	22	644
	Asbestos	214	181	168	216	365	598	633	430	-32	101
	Other	2,193	1,343	1,074	1,775	1,444	1,079	941	1,108	18	-49
	Total disposed	5,370	6,201	7,502	8,370	7,663	7,401	7,362	7,533	2	40

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 (from 22 September 2015).

Table 14: Personal injury cases¹ initiated and disposed of in the Court of Session, 2015-16

Case type	Initiated	Disposed	Disposed							Other
			Absolvitor	Dismissed		For pursuer		Expenses only		
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Accident at work	669	852	539	5	0	259	9	2	0	38
Road traffic accident	437	628	368	1	1	215	10	3	0	30
Clinical negligence	280	181	143	4	2	20	0	0	0	12
Asbestos	285	422	306	3	1	91	7	0	0	14
<i>Live mesothelioma</i>	30	31	19	0	0	10	0	0	0	2
<i>Post mesothelioma</i>	42	53	29	0	0	20	2	0	0	2
<i>Pleural plaques</i>	138	233	186	0	1	36	3	0	0	7
<i>Pleural thickening</i>	20	18	9	1	0	6	0	0	0	2
<i>Other</i>	55	87	63	2	0	19	2	0	0	1
Repetitive strain injury	41	47	30	0	0	14	1	0	0	2
Vibration white finger	8	11	9	0	0	1	1	0	0	0
Relative's claim	0	3	2	0	0	1	0	0	0	0
Other	391	403	286	6	2	91	5	2	1	10
Total	2,111	2,547	1,683	19	6	692	33	7	1	106

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.

Table 15: Ordinary cause personal injury cases initiated and disposed of^{1,2} in the sheriff courts³, 2015-16

Case type	Initiated	Disposed	Disposed							Other
			Absolutor	Dismissed		For pursuer		Expenses only		
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Road traffic accident	1,715	1,338	436	29	7	671	82	15	0	98
Accident at work	400	396	201	13	1	136	19	5	0	21
Clinical negligence	76	56	33	8	1	7	1	0	0	6
Asbestos	4	8	5	0	0	1	1	0	0	1
Relative's claim	3	6	3	2	0	0	1	0	0	0
Vibration white finger	4	6	2	1	0	3	0	0	0	0
Repetitive strain injury	3	1	1	0	0	0	0	0	0	0
Other	402	335	174	31	7	82	19	5	0	17
Total	2,607	2,146	855	84	16	900	123	25	0	143

1. From 2 November 2009 personal injury cases with a claim amount of more than £5,000 are raised under a new 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.

Table 16: Summary cause personal injury cases initiated and disposed of¹ in the sheriff courts², 2015-16

Case type	Initiated	Disposed	Disposed							Other
			Absolvitor	Dismissed		For pursuer		Expenses only		
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Road traffic accident	2,432	2,159	741	58	483	381	430	22	17	27
Accident at work	191	237	100	11	28	49	39	5	0	5
Clinical negligence	2	0	0	0	0	0	0	0	0	0
Relative's claim	4	1	1	0	0	0	0	0	0	0
Vibration white finger	1	1	0	0	0	0	0	0	0	1
Repetitive strain injury	2	1	0	0	1	0	0	0	0	0
Other	273	269	126	5	50	35	48	3	0	2
Total	2,905	2,668	968	74	562	465	517	30	17	35

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

2. Excludes Sheriff Personal Injury Court.

Table 17: Civil law cases initiated and disposed of¹ in the Sheriff Personal Injury Court², 2015-16

Case Type	Initiated	Disposed
Accident at work	461	75
Road traffic accident	313	72
Pleural plaques	113	0
Clinical negligence	30	1
Asbestos	11	0
Vibration white finger	8	0
Repetitive strain injury	0	0
Relative's claim	0	0
Other	207	24
Total	1,143	172

1. Figures for initiations and disposals do not necessarily refer to the same cases.
2. Sheriff Personal Injury Court was established on 22 September 2015.
3. Includes cases initiated and disposed within Personal Injury Chapter 36A.

Table 18: Damages cases initiated and disposed of¹ in the civil courts, by case type, 2008-09 to 2015-16

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	% change since 2014-15	% change since 2008-09
Initiated	Court of Session ²	337	527	299	304	357	369	286	409	43	21
	Sheriff: ordinary cause	738	791	630	491	496	447	400	412	3	-44
	Sheriff: commercial	38	54	163	37	34	51	46	15	-67	-61
	Sheriff: summary cause	434	561	453	488	382	441	271	222	-18	-49
	Sheriff: small claim	3,080	2,918	2,586	2,364	2,009	1,887	1,348	1,238	-8	-60
	Total initiated	4,627	4,851	4,131	3,684	3,278	3,195	2,351	2,296	-2	-50
Disposed	Court of Session ²	206	198	292	291	298	359	355	249	-30	21
	Sheriff: ordinary cause	1,415	666	595	675	623	435	304	263	-13	-81
	Sheriff: commercial	29	26	18	30	8	16	24	140	483	383
	Sheriff: summary cause	410	450	457	452	383	340	287	205	-29	-50
	Sheriff: small claim	2,409	2,710	2,397	2,149	1,982	1,758	1,380	1,266	-8	-47
	Total disposed	4,469	4,050	3,759	3,597	3,294	2,908	2,350	2,123	-10	-52

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

2. Includes ordinary and commercial cases.

Table 19: Damages cases initiated and disposed of¹ in the civil courts, by case type and final disposal, 2015-16

Court type	Case type	Initiated	Disposed	Disposed							
				Absolutor	Dismissed		For Pursuer		Expenses Only		Other
					Defended	Undefended	Defended	Undefended	Defended	Undefended	
Court of Session	Ordinary	244	161	122	6	0	23	6	0	0	4
	Commercial	165	88	56	5	1	19	4	3	0	0
	Court of Session total	409	249	178	11	1	42	10	3	0	4
Sheriff courts	Small claim	1,238	1,266	423	44	531	22	229	1	4	12
	Ordinary cause	412	263	126	29	8	58	38	2	0	2
	Summary cause	222	205	76	9	59	7	47	2	0	5
	Commercial	15	140	137	1	0	0	2	0	0	0
	Sheriff courts total	1,887	1,874	762	83	598	87	316	5	4	19
Civil courts total		2,296	2,123	940	94	599	129	326	8	4	23

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

Table 20: Repossession cases initiated and disposed of¹ in the sheriff courts, by procedure, 2008-09 to 2015-16

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	% change since 2014-15	% change since 2008-09
Initiated	Ordinary cause	10,135	8,256	4,245	79	64	54	67	58	-13	-99
	Commercial	0	6	4	0	0	1	0	0	z	z
	Summary application	6	4	975	6,673	5,321	4,715	3,201	1,816	-43	30,167
	Total initiated	10,141	8,266	5,224	6,752	5,385	4,770	3,268	1,874	-43	-82
Disposed	Ordinary cause	7,181	6,476	5,083	253	90	74	61	53	-13	-99
	Commercial	1	4	1	3	0	0	1	0	-100	-100
	Summary application ²	0	6	489	3,987	4,003	3,386	2,597	1,570	-40	z
	Total disposed	7,182	6,486	5,573	4,243	4,093	3,460	2,659	1,623	-39	-77

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.
3. z refers to data not being applicable.

Table 21: Summary application repossession cases initiated and disposed of^{1,2} in the sheriff courts, by case type and final disposal, 2015-16

Case Type	Initiated	Disposed	Disposed		
			Granted	Dismissed	Other ³
Repossession summary application	1,816	1,570	1,055	492	23

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

Table 22: Eviction cases initiated and disposed of¹ in the sheriff courts, 2008-09 to 2015-16

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	% change since 2014-15	% change since 2008-09
Initiated	Summary cause	19,944	16,528	14,160	13,979	10,532	11,778	13,750	14,690	7	-26
Disposed	Summary cause	19,191	16,986	14,906	13,972	12,358	11,613	12,892	13,905	8	-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^{1,2} in the sheriff courts, by case type and final disposal, 2015-16

Case Type	Initiated	Disposed	Disposed							
			Absolutor	Dismissed		For pursuer		Expenses only		Other
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Eviction summary cause	14,690	13,905	15	328	3,631	219	7,500	89	2,034	89

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

Table 24: Petitions for judicial review initiated and disposed of^{1,2} in the Petition Department of the Court of Session, 2008-09 to 2015-16

		2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	% change since 2014-15	% change since 2008-09
Initiated	Judicial review										
	<i>Environmental</i>	0	0	2	2	1	3	4	1	-75	z
	<i>Housing</i>	2	1	4	1	0	1	2	13	550	550
	<i>Immigrants</i>	177	210	266	195	224	231	323	393	22	122
	<i>Licensing board</i>	0	1	1	0	1	1	1	0	-100	z
	<i>Planning permission</i>	5	10	8	11	8	6	12	7	-42	40
	<i>Prison authorities</i>	18	107	7	3	10	17	17	24	41	33
	<i>Social security benefits</i>	0	0	0	0	1	0	1	3	200	z
	<i>Other</i>	30	49	54	31	48	49	39	55	41	83
Total	232	378	342	243	293	308	399	496	24	114	
Disposed	Judicial review										
	<i>Environmental</i>	0	0	1	2	1	2	0	1	z	z
	<i>Housing</i>	5	1	3	1	0	1	1	7	600	40
	<i>Immigrants</i>	153	168	182	267	229	203	229	314	37	105
	<i>Licensing board</i>	1	1	0	2	0	1	1	1	0	0
	<i>Planning permission</i>	4	7	5	11	12	4	7	12	71	200
	<i>Prison authorities</i>	15	18	12	95	101	19	10	23	130	53
	<i>Social security benefits</i>	0	0	0	0	1	0	1	1	0	z
	<i>Other</i>	34	32	39	34	26	40	38	43	13	26
Total	212	227	242	412	370	270	287	402	40	90	

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 of¹ in the Sheriff Appeal Court², 2015-16

Cases	Initiated	Disposed
Appeals from small claim	2	0
<i>Miscellaneous</i>	0	0
<i>Payment</i>	2	0
Appeals from summary cause	2	0
<i>Heritable</i>	2	0
Appeals from ordinary cause³	44	3
<i>Debt</i>	23	2
<i>Family</i>	8	0
<i>Personal injury</i>	3	1
<i>Commercial</i>	2	0
<i>Heritable</i>	1	0
<i>Other</i>	7	0
Total	48	3

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.

Table 26: Civil law applications to the Court of Session for permission (leave) to appeal to UK Supreme Court, 2015-16

Case Type	Initiated	Disposed	Disposed		
			Granted	Refused	Withdrawn
Civil law applications	16	12	1	9	2

1. Figures for initiations and disposals do not necessarily refer to the same cases.
2. Applications relate to the period from 22 September 2015 onwards.

Table 27: Civil law cases initiated in the Court of Session¹, sheriff courts² and Sheriff Personal Injury Court³, 2008-09 to 2015-16

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

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.

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