

## CRIME AND JUSTICE

# Civil justice statistics in Scotland 2021-22

25 April 2023

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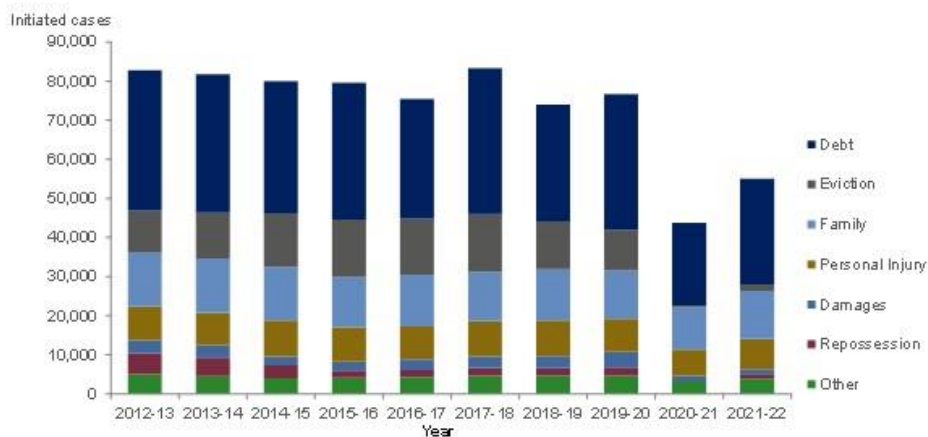
# Civil justice statistics in Scotland 2021-22



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

The Coronavirus pandemic has had an impact on civil justice during the latest two financial years. This resulted in lower volumes of cases being initiated.

► **The most recent ten years show a general downward trend in initiated cases, latest figures show some recovery from last year.**



► **All initiated case types decreased since 2012-13, but evictions saw the biggest fall. Family recorded the lowest decrease**



**84%**



**1,700 Evictions**  
Decreased from  
10,500 in 2012-13



**25%**



**27,000 Debt cases**  
Decreased from  
35,900 in 2012-13



**11%**



**12,300 Family cases**  
Decreased from  
13,900 in 2012-13

All figures are rounded to the nearest 100

Justice Analytical Services

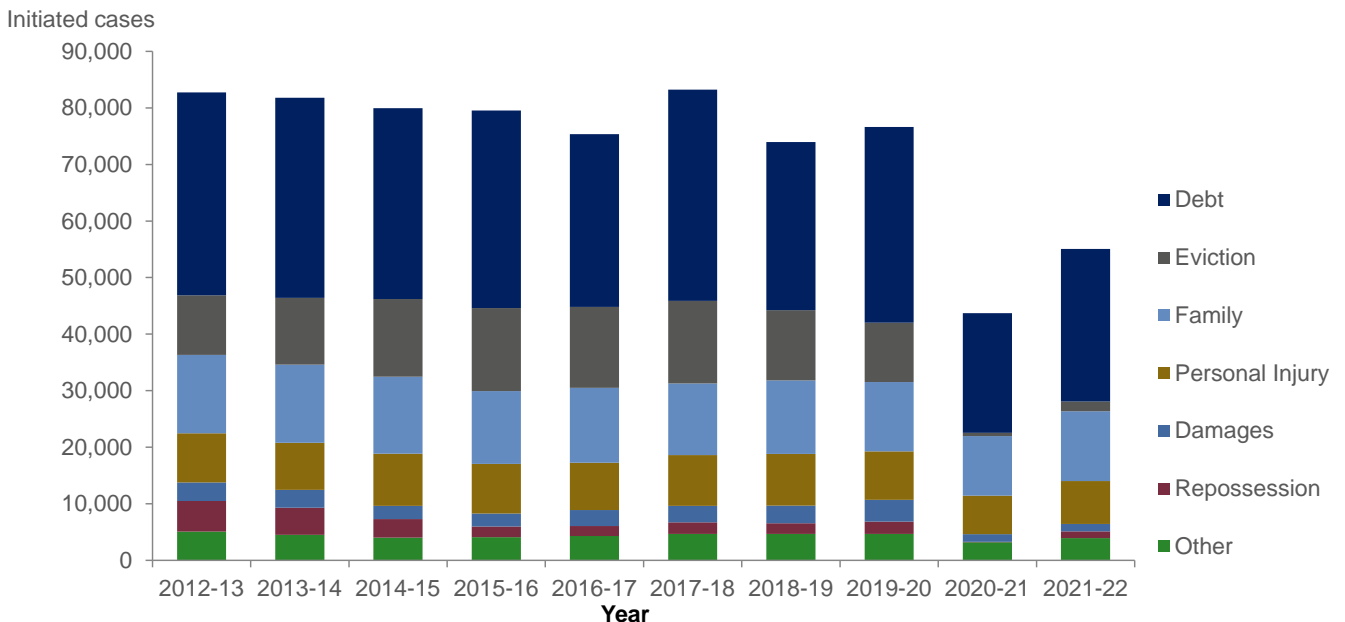
# Introduction

Civil Justice Statistics in Scotland presents statistics on civil law cases in the Scottish courts together with other related information, such as statistics from the Scottish Crime and Justice Survey.

The majority of court buildings were closed during the first nationwide lockdown resulting from the Coronavirus (COVID-19) pandemic. Innovations in processing civil business, initially to allow urgent cases to be progressed, and then moving to all other case types, were enabled by Coronavirus (Scotland) Act 2020 emergency legislation. This allowed for a range of measures including electronic submission and signing of documents, and virtual hearings. At the outset of the pandemic some civil court hearings were able to proceed by way of written submissions and telephone hearings before moving to a general presumption of virtual Webex hearings. Civil justice case volumes for 2020-21 were noticeably lower than previous years. In 2021-22, case volumes generally increased from the previous year, but they are still much lower than pre-pandemic volumes. It is therefore unlikely that the data is representative of longer term trends in civil business, and this should be borne in mind when comparing statistics for 2020-21 and 2021-22 with earlier years.

There were 53,866 civil law cases initiated across the Court of Session and sheriff courts in 2021-22 (the figure excludes summary applications which are however included in Figure 1 repossessions). This represents an increase of 23% from 2020-21.

**Figure 1: The most recent ten years show a general downward trend in initiated cases, latest figures show some recovery from last year**



## Key points at a glance:

- The Coronavirus (COVID-19) pandemic and associated public health measures have had an impact on civil justice during the years 2020-21 and 2021-22. This resulted in lower volumes of cases being initiated in civil courts. Case volumes have increased from the previous year, but they are still much lower than pre-pandemic levels. Caution is therefore advised in interpreting the figures in this bulletin for 2020-21 and 2021-22, particularly in terms of how they compare with earlier years.
- Debt cases made up 50% of principal craves initiated at civil courts in 2021-22. In line with overall cases, debts recorded increased from 2021-22 but are still lower than pre-pandemic.
- Eviction actions initiated made up 3% of principal craves initiated at civil courts in 2021-22.
- Family cases made up 23% of principal craves. Divorce and dissolution made up 74% of family cases initiated in 2021-22.
- Over two-fifths (44%) of personal injury cases were raised in the national Sheriff Personal Injury Court.
- Seventy per cent of damages cases were initiated under ordinary cause in 2021-22. Forty-nine per cent of the ordinary cause cases disposed of had a decree of absolvitor.
- After a large Covid-related fall in 2020-21, repossessions increased by 1,204%, bringing them closer to pre-pandemic levels. However, initiations are still 46% lower than 2019-20.
- All sheriffdoms in Scotland experienced an increase in initiated cases from 2020-21, ranging from 16% in North Strathclyde to 33% in Glasgow and Strathkelvin.
- In 2021-22, there were 13,502 civil legal aid grants, the vast majority of which were for cases in the sheriff courts.
- According to the Scottish Crime and Justice Survey 2019-20, around three-in-ten adults experienced civil law problems in the three years prior to interview.

## Data sources

This publication presents management information from the Scottish Courts and Tribunal Services systems. There is also relevant information from the Scottish Crime and Justice Survey, Scottish Legal Aid Board and National Records of Scotland.

## Statistical Tables

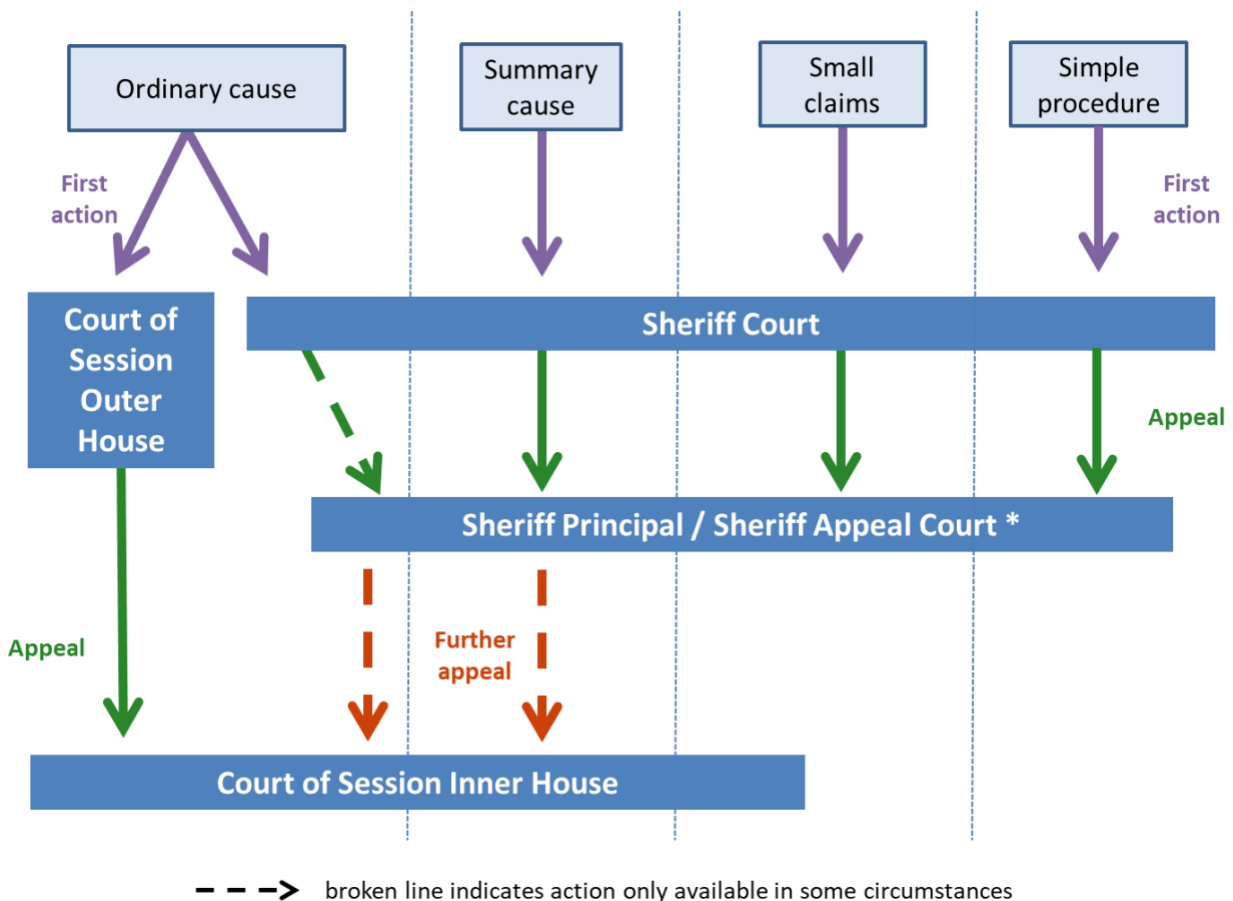
All tables referred to in this bulletin are available in the ['Supporting Documents' Excel workbook 2021-22 Main Tables](#) for this bulletin. The workbook includes an 'Index' sheet, with information on how to navigate the tables, alongside a 'Notes' sheet, with relevant details to assist users when reading and interpreting results.

# 1. Structures and procedures in civil courts

In Scotland, civil law cases are usually conducted in a sheriff court or the Court of Session. Some cases are also heard in tribunals (section 1.3). This chapter examines the procedures used in civil law in the Court of Session and sheriff courts (Figure 2).

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

**Figure 2: Summary of court structure**



## 1.1 Sheriff court procedures

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

**Small claims** – Small claims (claims up to £3,000) have largely been replaced by the simple procedure except for a very small number of specialist actions.

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

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

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

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

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

## 1.2 Court of Session procedures

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

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

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

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

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

### 1.3 Specialist courts and tribunals

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

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

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

The [Scotland Act 2016](#) put in place arrangements to devolve the administration of reserved tribunals to the Scottish Parliament. The devolution will be delivered by an Order in Council which is currently the subject of discussion between the UK and Scottish Governments.

Statistics on specialist courts and tribunals are not included in this bulletin. Further information can be found in those courts and tribunals' annual reports ([Mental Health Tribunal for Scotland annual reports](#), [Scottish Land Court reported decisions](#) and [Lands Tribunal for Scotland](#)). The President of the Scottish Tribunals also produces an annual report, [Scottish Tribunals Annual Report](#).



## 2. Recent trends of civil law court cases

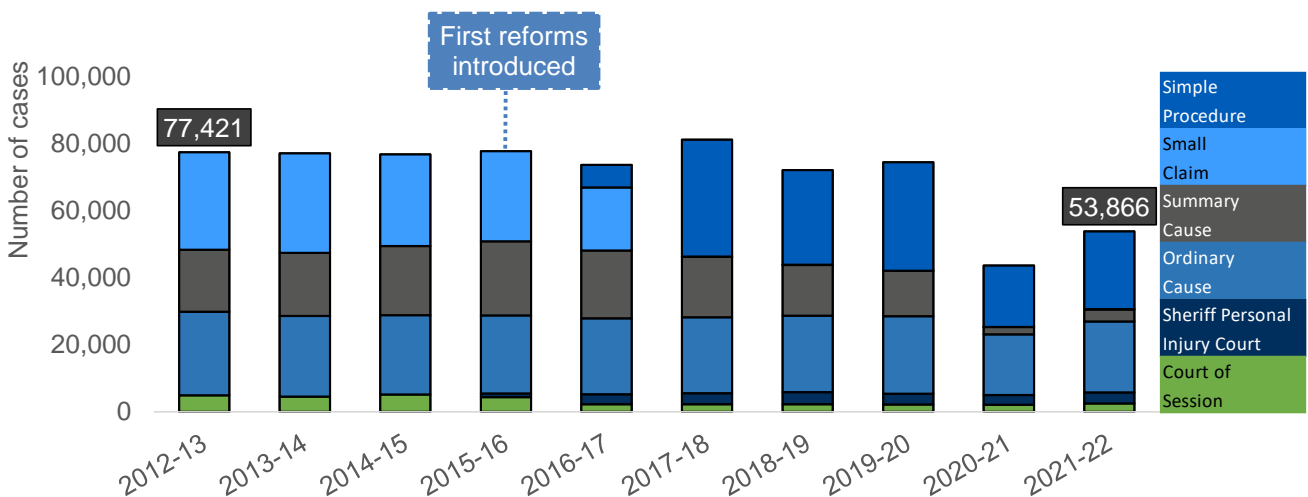
This chapter examines the evidence from courts data of the effect of court reforms in recent years.

The total number of civil cases initiated in the courts increased in 2021-22, up 23% on the total for 2020-21. There were increases in all case types from the previous year except damages which fell marginally. The highest increases were seen in repossessions (up 1,204%) and evictions (up 200%). The increase in repossessions follows a large Covid-related fall in 2020-21 to a record low. The increase in initiations in 2021-22 brings numbers closer to pre-pandemic levels but still 46% lower than 2019-20. Evictions too are still substantially lower than pre-pandemic levels (84% down on 2019-20). Personal injury (up 12%) and family (up by 17%) recorded the lowest increases. Damages saw a 4% decrease from 2020-21 (see section 3.2 for more information).

The number of initiated cases at the sheriff courts were stable at around 72,000 for the first four years since 2012-13, reaching a peak of 75,600 in 2017-18 then fluctuated in recent years (the figure excludes summary applications which are however included in Figure 1 repossessions) (Table 1 & Figure 3). Cases in the Court of Session saw a more fluctuating trend.

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

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



### 2.1 Courts and procedures

In 2021-22, 48,067 cases were initiated in the **sheriff courts** and 47,522 were disposed. This represents a 25% increase in initiations and a 31% increase in disposals on the previous year (Table 3).

However, the increase in initiations was not uniform across all procedures in the sheriff courts. The numbers of **ordinary cause** procedures increased by 17% from 2020-21, with simple procedure (27%) and summary cause (71%) also increasing. Small claims, which have largely been replaced by simple procedure decreased by 88%.

Phase one **simple procedure** saw 23,273 cases initiated, and 23,184 disposed of. There was a 27% increase in initiated cases from 2020-21, while disposals were up by 14%.

The simple procedure has absorbed nearly all small claims and summary cause cases for debt and damages actions (Table 12 and Table 19).

A further 3,321 cases were initiated in the national **Sheriff Personal Injury Court**, a 13% increase on 2020-21 (Table 18). Many of the cases pursued in the Sheriff Personal Injury Court would likely have been initiated at the Court of Session, which has seen a fall in the number of cases initiated since the institution of the specialised court (Table 1).

While business levels have increased by 23% across all courts since 2020-21, the number of cases initiated at the Court of Session increased by a smaller margin of 18%, to 2,478 in 2021-22.

Combined, the simple procedure and Sheriff Personal Injury Court accounted for 49% of all civil court business, similar to the levels in 2020-21.

The [relative costs of these procedures](#) is provided on the Scottish Courts and Tribunal Service website.

## 2.2 Judicial review

The Court of Session deals with judicial review. This is a specialised type of court procedure that can be used to challenge the way a person or body with power or authority has made a decision if no other remedy is possible.

There were 201 judicial review cases initiated in 2021-22, a 16% decrease on 2020-21 (Table 25). Between 2015-16 and 2016-17 there was a large decrease, explained in part due to a rise in number of judicial reviews in the preceding year, ahead of the reforms specified in the [Courts Reform \(Scotland\) Act 2014](#). The number of judicial reviews initiated at the Petition Department of the Court of Session has been variable over time.

## 2.3 Appeals

### Sheriff Appeal Court (Civil)

In 2021-22, 189 cases were initiated and 128 disposed of (Table 26). Compared to 2020-21, the number of initiated cases increased by 43% while disposed cases decreased by 2%.

Prior to January 2016, appeals would have been directed to the Court of Session, thereby entailing higher costs and possibly taking longer to determine. There has been a decrease in the appeals made from the sheriff courts, but numbers are small: for the last five years there were 31, 21, 21, 9 and 12 respectively ([Table S8 Supplementary statistics tables](#)). All the years correspond to when the Sheriff Appeal Court operated for full financial years.

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

In 2021-22, 21 civil law applications were initiated under the provisions for bringing appeals to the UK Supreme Court (Table 27). During this period, 21 applications were disposed of by the Inner House of the Court of Session (three granted, 15 refused and three withdrawn).

In 2021-22, of the 13 cases disposed of by the [Supreme Court for permission to appeal](#) (having been initially refused by the Inner House in Scotland), two were granted and 11 were refused.

## 3. Civil justice problems

In this chapter we examine the types of civil legal problems people experience in Scotland, as determined by the Scottish Crime and Justice Survey 2019-20, and what sorts of issues are presented at court.

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

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

The Scottish Crime and Justice Survey 2019-20 estimates that around three-in-ten adults experienced civil law problems in the three years prior to interview

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

Scottish Crime and Justice Survey figures for 2019-20 are used this year because the 2020-21 survey was suspended due to pandemic restrictions, and the 2021-22 survey will be published in November 2023.

The problem areas covered are:

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

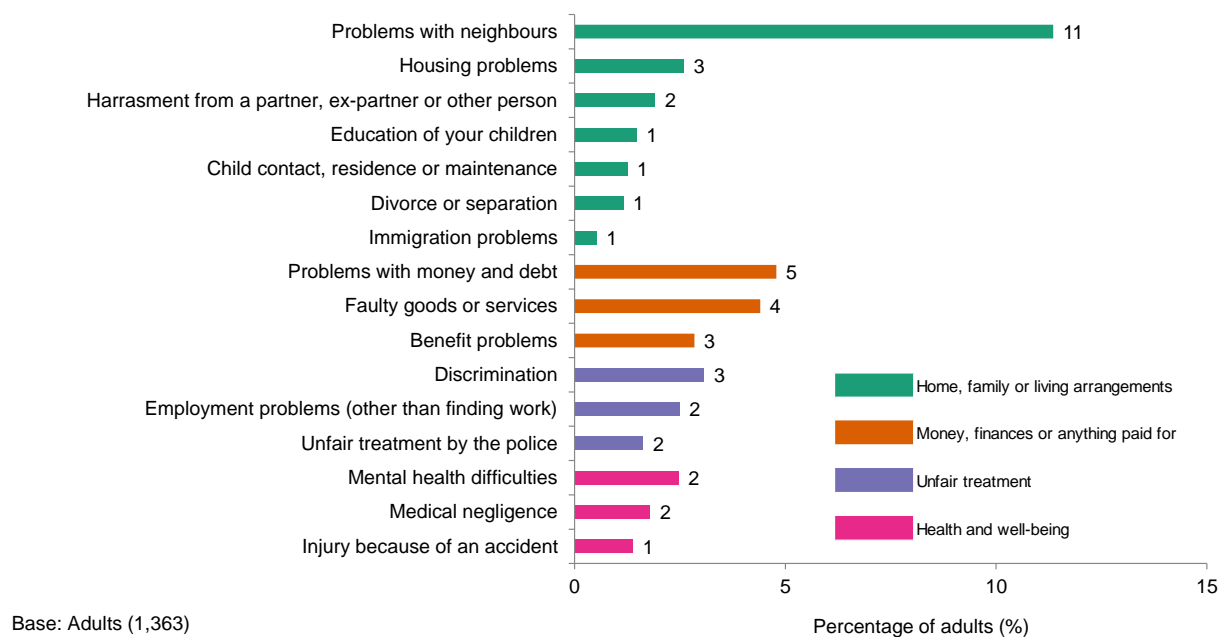
The 2019-20 SCJS shows that around three-in-ten adults (28%) were estimated to have experienced at least one of the civil law problems asked about in the previous three years. This is similar to both the 29% reported in 2018-19 and 30% reported in the 2008-09 SCJS. There have been some question updates and additional answer categories in the questionnaire since 2008-09, but results are still broadly comparable.

Some groups in the population were more likely to experience civil law problems than the general population. For example, an estimated 36% of those who are disabled experienced a civil law problem compared with 26% of those who are not disabled. Those aged 60 years and over were less likely to experience civil law problems compared with other age categories (17%, compared with 34% for both 16-24 and 25-44 age categories and 32% for those aged 45-59). Victims of crime suffered a higher prevalence of civil law problems (40%) compared with non-victims (26%).

Among the problem areas listed above, 17% of adults had experienced problems with home or family living arrangements, 10% had experienced problems with money, finances or anything they had paid for, 7% had been treated unfairly in some respect and 5% had experienced health or well-being problems.

In line with previous years, the most common single problem was with neighbours, experienced by 11% of adults. The full breakdown is shown in Figure 4.

**Figure 4: Experience of civil law problems: SCJS 2019-20**



Among those who had experienced civil law problems in the last three years, 29% said a problem concerning neighbours was their most important or only problem to solve.

Just under three-in-ten (28%) of these problems began less than a year ago, a further 16% over a year but less than two years ago, 22% over two years but less than three years ago and 34% over three years ago.

Just under two-in-five (39%) had resolved the problem, while just over a third (34%) were still trying to resolve the problem. 17% had tried to resolve the problem but had to give up and 9% were not planning to do anything.

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

**Debt** (section 3.2.1) - An estimated 5% of adults in the 2019-20 SCJS reported having money and debt problems. Those with a disability had higher prevalence of money and debt issues (9%), in comparison with 4% of those without disability.

**Family** (section 3.2.3) - The 2019-20 SCJS found that an estimated 2% of adults experienced problems to do with the behaviour of a partner, ex-partner or other person harassing them, 1% experienced a problem to do with child contact, residence or maintenance and similarly 1% experienced problems to do with divorce or separation.

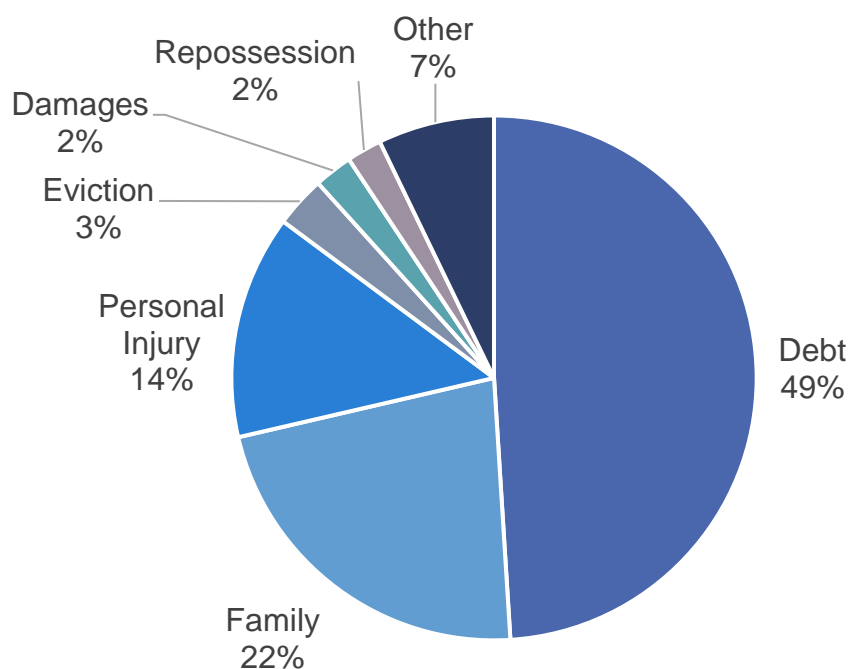
**Personal injury** (section 3.2.4) - The 2019-20 SCJS found that an estimated 2% of respondents experienced a medical negligence issue and 1% experienced a personal injury problem in the last three years.

## 3.2 Volumes and types of problems in the courts

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

Since 2018-19, in addition to the [principal crave](#) of cases, we now publish statistics on [ancillary craves](#). An individual case can involve a number of different legal remedies sought by the pursuer. The requirement that is listed first on the [writ](#) is normally known as the principal crave, for example 'divorce', and is used to categorise the case type. The others remedies sought are described as ancillary craves, for example 'contact'.

**Figure 5: Debt cases remain the most common problem (principal crave) at civil courts**

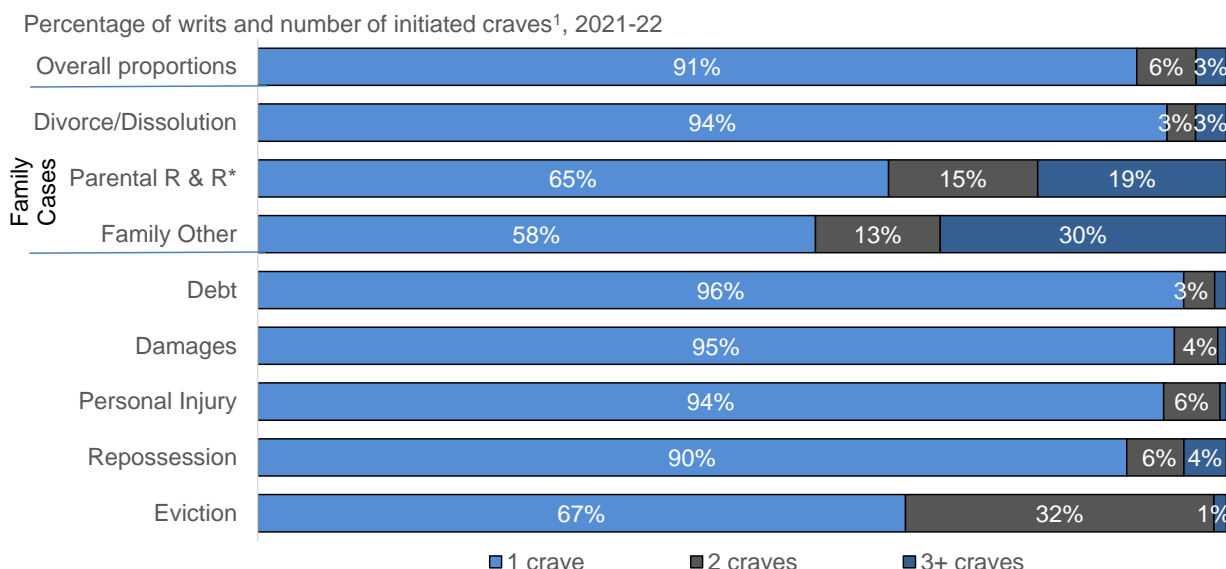


In 2021-22, debt actions were the most common principal crave, constituting 49% of all civil court cases. Family and personal injury actions were second and third most common, at 22% and 14% respectively (Figure 5) (percentages include summary applications for repossessions similar to Figure 1. The rest of the statistics in the publication excludes them).

By including ancillary craves, our statistics capture the full detail of orders the courts are required to make under each case type. Table A1 to Table A10 show the counts of craves, while Figure 6: Family, repossession and eviction cases are more likely to have multiple craves compared to other case categories shows a summary of the complexity of cases based on the number of craves attached to them by principal crave type. This craves analysis is based on cases initiated in 2021-22.

As shown in Figure 6, family cases (except divorce/dissolution) are more likely to have multiple craves, compared to other case categories. Family-other and parental responsibilities and rights have at least 34% of writs with more than two craves. Outside family law, we note that 33% of eviction and 10% of repossession cases have more than one crave on their writ. Overall, 91% of initiated cases had a single crave on their writs.

**Figure 6: Family, repossession and eviction cases are more likely to have multiple craves compared to other case categories**



### 3.2.1 Debt

Debt cases made up 50% of principal craves initiated at civil courts in 2021-22

In line with overall cases, debts recorded increased from 2020-21 but were still lower than pre-pandemic

85% of debt cases initiated in 2021-22 were under the simple procedure

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

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

#### Evidence

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

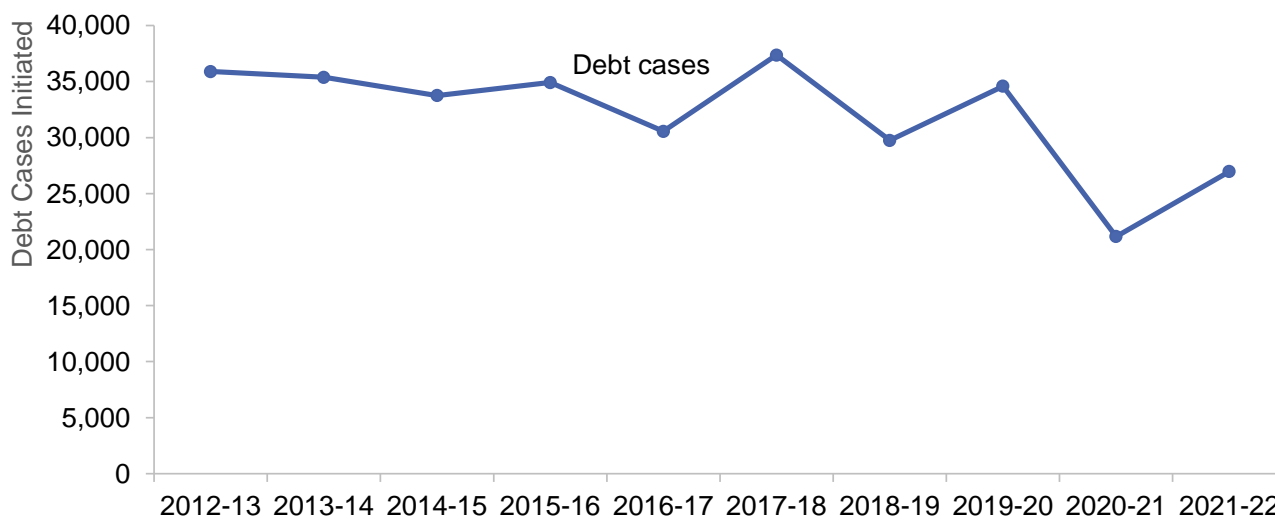
The number of debt cases in 2021-22 increased by 27%, reversing the decrease recorded in the previous year, from 21,175 to 26,978.

Of these 26,978 debt actions initiated in 2021-22, 85% were brought to the sheriff court under the simple procedure, a slightly higher proportion than the previous year (83%). A very small number were summary cause proceedings. Fourteen per cent were brought to the sheriff court under ordinary cause procedure, a reduced proportion from 2020-21 (16%).

Having generally decreased in the earlier part of the last 10 years, debts have seen a more fluctuating pattern in recent years. A sharp drop in numbers last year was followed by an increase for 2021-22 in line with overall case numbers, although levels are still below pre-pandemic (Table 12).

Table A1 and Table A2 present the statistics which show counts of all craves on debt cases initiated in 2021-22. The most common craves are payment of money (27,309), damages (258) and expenses (215).

**Figure 7: Debt cases initiated have recovered from last year, but still below pre-pandemic levels**



### 3.2.2 Eviction

Eviction actions initiated made up 3% of principal craves initiated at civil courts in 2021-22

Evictions initiated in 2021-22 are still very low due to emergency legislation protecting tenants during the pandemic

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

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

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

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



Emergency coronavirus legislation was put in place from 7 April 2020 until 30 March 2022 to extend the period of notice social landlords were required to give their tenants before the landlord could raise eviction proceedings in court. This was a temporary public health protection measure, aimed at ensuring people could stay safe in their homes for as long as possible. In most cases, this extended notice period was 6 months. This measure and the increased commitment from social landlords to only take eviction action when absolutely necessary had a substantial impact on the number of eviction actions initiated in 2020-21 and 2021-22.

## Evidence

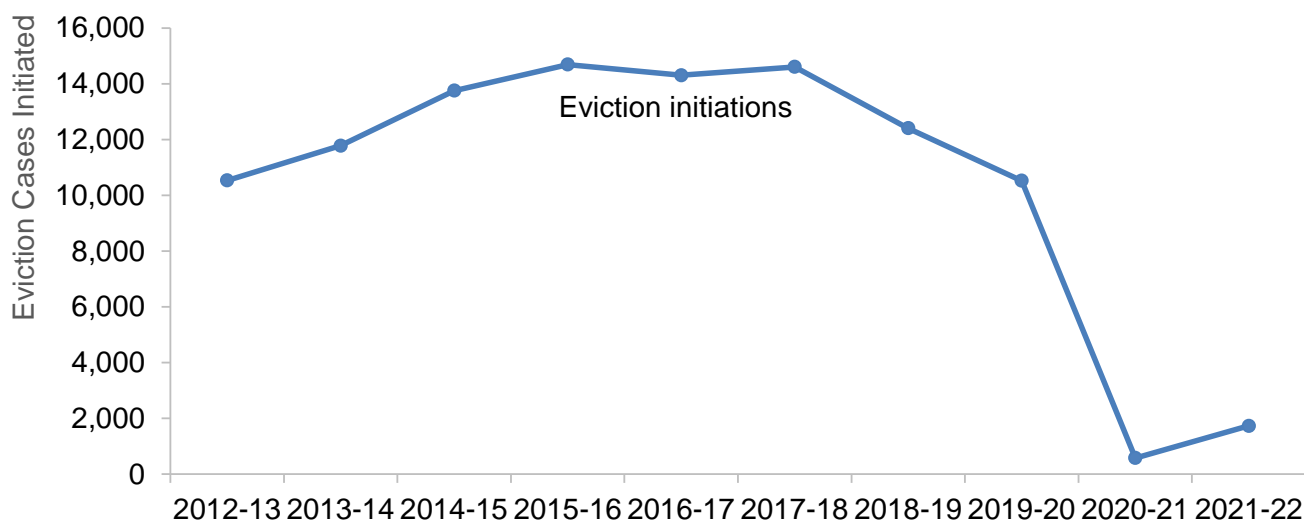
In 2021-22, eviction actions initiated rose by 200%, from 576 to 1,730 although they remain 84% lower than pre-pandemic levels (10,520) (Table 23). The low level of initiations is largely due to the emergency legislation which protected tenants during the pandemic, brought into force in April 2020 as part of [Coronavirus \(Scotland\) Act 2020](#). In addition, the [Ending Homelessness Together Action Plan](#) published by the Scottish Government in November 2018 increased the focus in the social rented sector on eviction prevention. Around seven in ten eviction cases disposed of in 2021-22 were dismissed (Table 24).

From 2012-13, eviction initiations were increasing to a peak of 14,690 in 2015-16, followed by a levelling off until 2017-18. Since 2018-19, initiations have been falling, partly due to private rented sector statistics moving to the First Tier Tribunal Housing. However, the decrease was rapid during the pandemic. The latest year saw some recovery in initiations but they still remain far below their pre-pandemic volumes.

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

Table A1 and Table A3 show a count of all craves for eviction cases initiated in 2021-22. The most common craves sought are Recovery of heritable property (1,204), Payment of money (595) and Repossession (276).

**Figure 8: Eviction actions initiated in 2021-22 rose from last year but still far below pre-pandemic levels**



### 3.2.3 Family

Divorce and dissolution made up 74% of family cases initiated in 2021-22

Nearly all of the 8,249 divorces granted in 2021-22 were heard in sheriff courts, and 57% used the simplified procedure

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

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

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

Previous editions of this bulletin presented statistics relating only to the **principal crave** of cases. This meant that the statistics on certain case types, such as contact and residence, did 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. We now publish statistics counting all the craves associated with a writ.

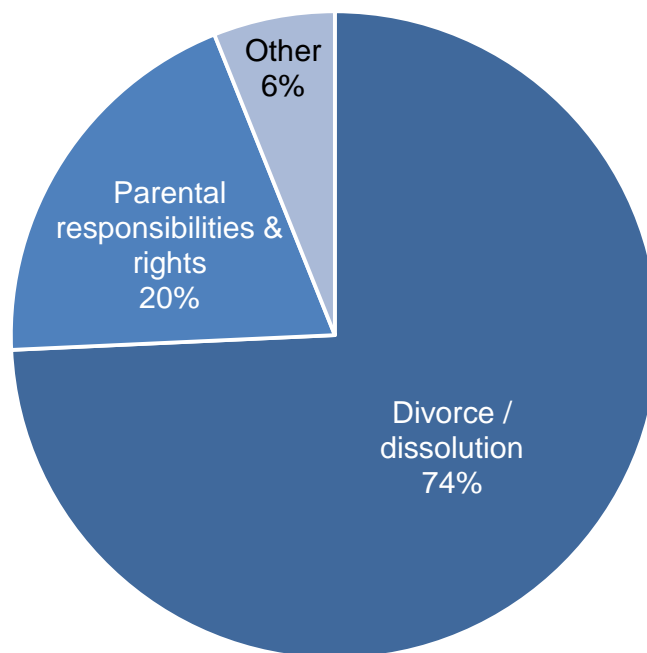
Table A1, Table A4, Table A5, Table A6 and Table A10 contain counts of all craves relevant to family law cases. The most common specific craves on divorce/dissolution cases are Divorce (8,968), Expenses (252) and Capital Sum (120). On parental responsibilities and rights cases, the most common are Contact (1,271), Residence of child (1,077) and Parental responsibilities and rights (514). Family-Other has Interdict (348), Declarator (155) and Residence of child (107) as the most common specific craves sought.

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

There has been a general downward trend in the number of family actions as principal craves since 2012-13, with the decline in divorces being the biggest contributor. There was an 11% fall from 13,862 in 2012-13 to 12,314 in 2021-22 (Table 5). Family has seen an increase in initiations in the last year (up 17% or 1,768 cases).

**Figure 9: Family cases initiated in the civil courts by type, 2021-22**

Proportion of principal craves,  
2021-22



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

Only a small proportion of family cases are heard in the Court of Session (116 or 1% in 2021-22), representing 8% of cases in the General Department of that court (Table 2 and Table 6). Of these 116 cases, divorces and dissolutions accounted for 104 or 90%.

In 2021-22, the vast majority (96%) of applications to extend/vary an interim order disposed of were granted. Similarly, most children’s hearings (referral applications) disposed were granted (88%) and established the grounds for referral, with the case being referred back to the Children's Hearing to dispose of the case (Table 8).

In 2021-22, there were 452 adoption petitions initiated, an increase of 40% on the previous year. The number of applications initiated for permanence orders increased by 24%, to 301 in 2021-22.

### **Divorce and dissolutions statistics**

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

The divorce and dissolution statistics presented in Table 9, Table 10 and Table 11 are based on different Scottish Courts and Tribunals Service data from the other statistics in this bulletin. See the section 5.6 for more information.

Historical statistics, broken down by characteristics such as age at marriage/partnership, age at divorce/dissolution, duration and form of marriage/partnership where they are available, are published as supporting files alongside the relevant bulletin on the website within the [Civil Justice Statistics](#) section. Equivalent statistics for 2021-22 are available in [Excel Tables](#) published alongside this bulletin.

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

The [Civil Partnership Act 2004](#) came into force on 5 December 2005, allowing legal relationships between two people of the same sex to be formed. The first civil partnerships in Scotland were registered on 20 December 2005. Following the [Civil Partnership \(Scotland\) Act 2020](#), mixed sex civil partnership has now been introduced in Scotland and the first mixed sex civil partnerships took place in June 2021.

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.

Following on from the [Marriage and Civil Partnership \(Scotland\) Act 2014](#), we are now publishing, divorces granted, split by mixed sex and same sex (Table 9) and divorces granted by method of celebration, also split by mixed sex and same sex (Table 11).

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

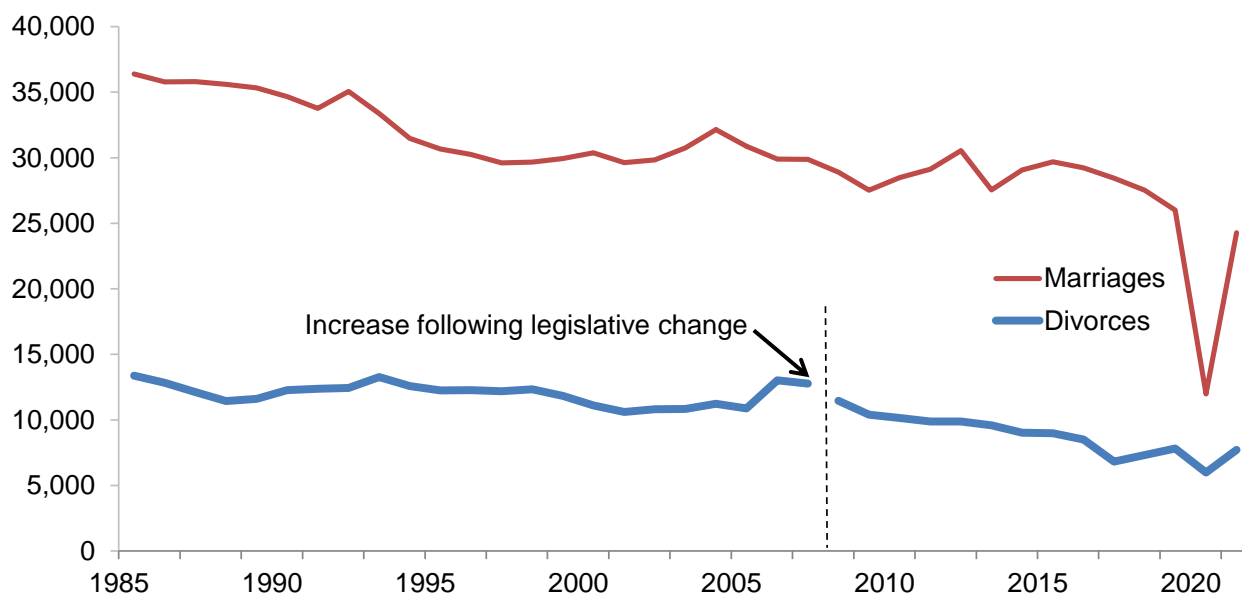
### **Divorce & dissolution evidence**

The number of divorces has been slowly decreasing from 13,365 in 1985 to 7,718 in 2021 (Figure 10). This decrease could be linked to the general downward trend in marriages across the same period as shown by the chart. 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](#). Data prior to 2008-09 cannot be compared directly with later data, and is discussed here to provide historical context. See the [Quality of statistics](#) section.

The total number of divorces granted in Scotland in 2021-22 was 8,249, 45% higher than in 2020-21 (5,698) (Table 9). In 2021-22, 57% of divorces granted used the simplified procedure. 98 divorces were granted to same sex couples.

There were 62 civil partnership dissolutions granted in 2021-22, 68% increase from 37 in 2020-21 (Table 10). The vast majority of dissolutions granted in 2021-22 (82%) used the simplified procedure.

**Figure 10: Downward trend for both divorces<sup>1</sup> and marriages<sup>1</sup> since 1985**



1. Figures for 2020 are much lower than in previous years because of the restrictions due to the COVID-19 pandemic
2. Divorces Data prior to 2008 is for illustrative purposes only, please see quality of statistics section 5.6 in the bulletin
3. Marriages data is from the National Records of Scotland's Vital Events Reference Tables

### 3.2.4 Personal injury

There was a 12% increase in personal injury cases initiated in 2021-22 compared to 2020-21

Over two-fifths (44%) of personal injury cases were raised in the national Sheriff Personal Injury Court

56% of personal injury cases were in relation to road traffic accidents

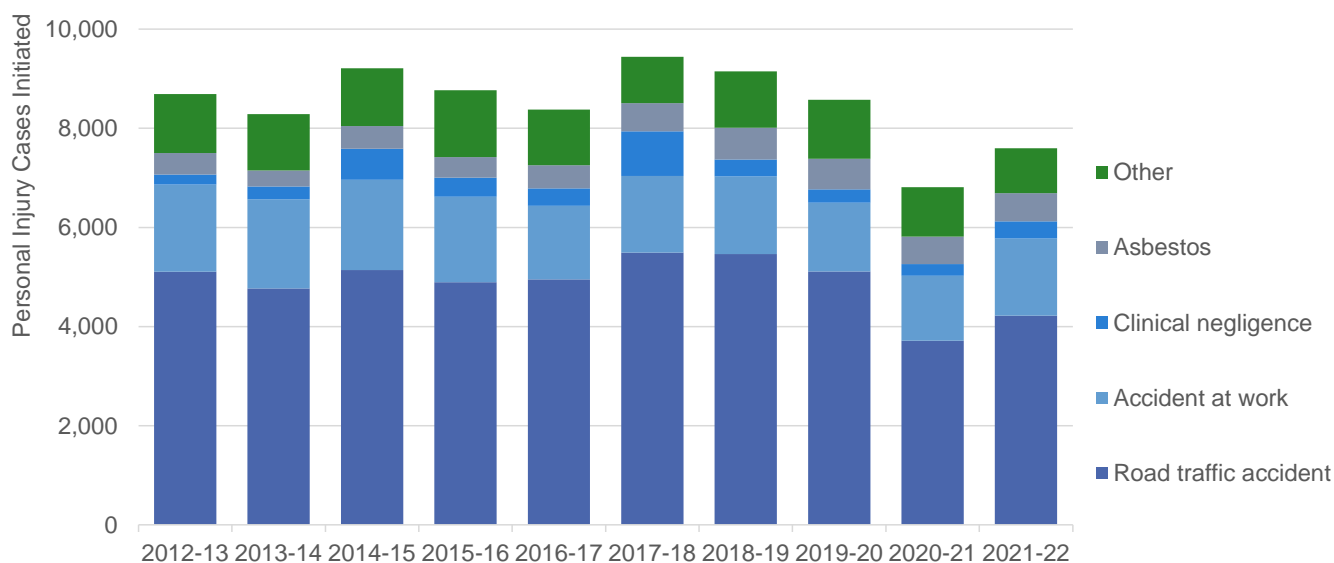
Personal injury can be physical and/or psychological, and include disease or impairment. Personal injuries may result from a wide range of causes including an injury received at work, a traffic accident, or through negligence or a deliberate act on the part of another party. A person who has suffered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

A personal injury case is a form of damages case that relates specifically to damages for, or arising from, personal injuries or the death of a person from personal injuries. Other cases, for example defamation, are covered under damages in section 3.2.5.

#### Evidence

With the exception of 2020-21, there has been between 7,500 and 9,500 personal injury cases initiated as principal craves each year. In 2021-22, there were 7,598, up 12% from 2020-21 (Table 14). Personal injury has seen a high degree of variation over the last 10 years, although the latest figures look relatively low compared to pre-pandemic levels.

**Figure 11: Personal injury cases fluctuate year-on-year, but road traffic and accident at work are the most common**



The prevalence of personal injury cases as a proportion of all principal craves is down by two percentage points from 2020-21, to 14%.

There have been changes in the procedures used to hear personal injury cases since 2020-21. Just under one-in-five (18%) were brought to the sheriff courts as summary cause (down from 19% in 2020-21), and 44% to the Sheriff Personal Injury Court (up from 43%). 26% were brought under ordinary cause to the sheriff courts (down from 29%), and 12% to the Court of Session (up from 9%).

There are differences in how different types of personal injury are using procedures in the courts, as shown in Figure 11.

The Sheriff Personal Injury Court is increasingly likely to cover accidents at work and Asbestos-related cases, with at least 68% of each of these cases using the specialised court in 2021-22.

The majority of accident at work cases in 2021-22 (up 250 to 1,557) were initiated at the Sheriff Personal Injury Court. 81% of accident at work related cases were raised at this court, slightly higher than in the previous year (Table 18).

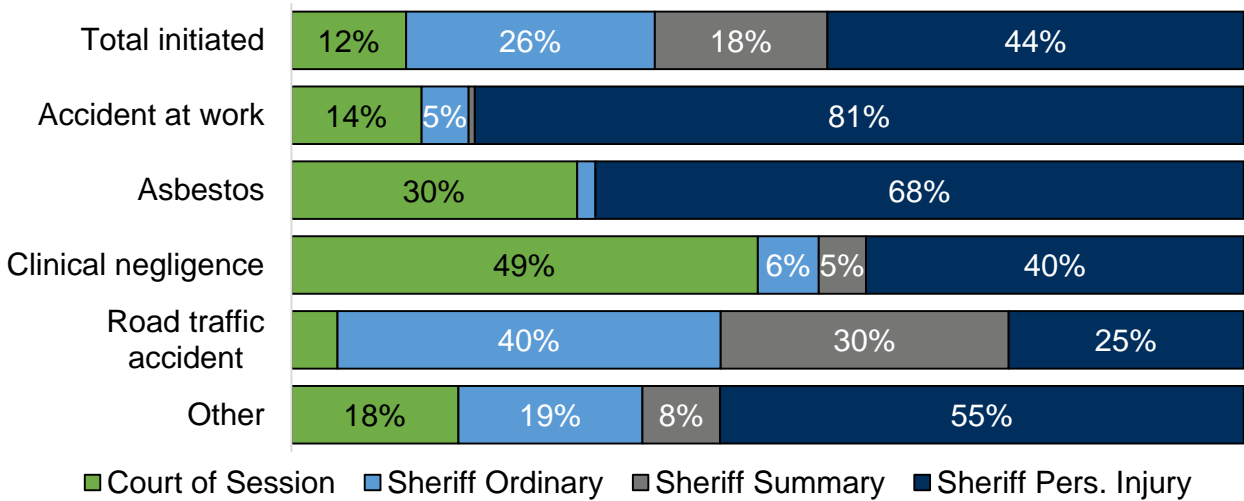
There has been an increase in asbestos cases since the previous year (up 17 to 570). A large proportion of these were brought to the Sheriff Personal Injury Court. However, this year the proportion decreased from 80% to 68%.

There were 343 clinical negligence cases initiated in 2021-22, a 43% increase from the 240 cases last year. The number of initiations have fluctuated over the years since 2012-13 (Table 14).

Table A1 and Table A7 show counts of craves associated with personal injury cases initiated at the sheriff courts in 2021-22. The most common craves sought are Damages (6,458), Payment of money (289) and Provisional damages (242).

**Figure 12: Accidents at work and asbestos cases are most likely to use the Sheriff Personal Injury Court**

Proportion of principal craves, 2021-22



### 3.2.5 Damages

The number of damages cases decreased by 4% from 2020-21

79% of damages cases were initiated under ordinary cause in 2021-22. 51% of the ordinary cause cases disposed of had a decree of absolvitor.

67% of damages cases disposed of in the Court of Session had a decree of absolvitor

Damages are a legal remedy that provide compensation for harmful actions suffered through the fault of another party, either an individual or an organisation. A claim for damages can arise from all sorts of circumstances and include (but is not limited to): defamation, breach of contract, damage to moveable property, negligence, breach of warranty or guarantee, breach of trust, wrongful diligence, wrongful interdict, malicious prosecution, wrongful apprehension or false imprisonment or fraudulent representation and personal injury. For the purpose of these statistics, the definition for damages does not include personal injuries, which are covered separately in section 3.2.4.

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

#### Evidence

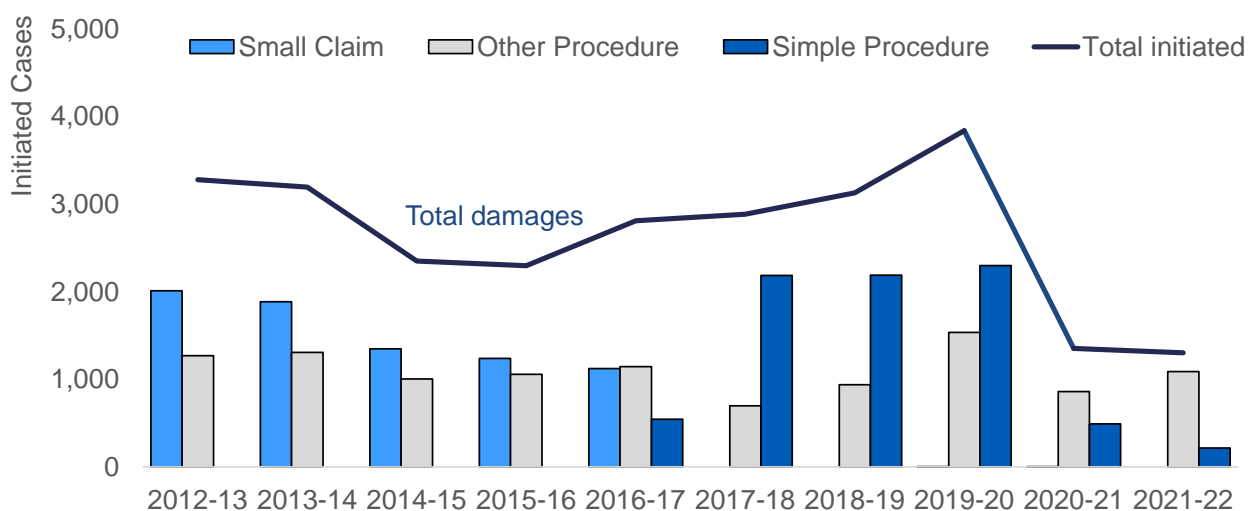
In 2021-22, initiated cases fell to 1,302, this is the lowest in the last 10 years and 4% decrease from last year (Table 19). Damages are the only case type to record a decrease from last year.

From 2012-13 until 2015-16, there was a steady fall in the number of damages claims initiated as principal craves. This was followed by a gradual increase in numbers until 2019-20 when they reached their peak for the 10 year period. There was a sharp drop during the pandemic and initiations have not recovered from the record lows.

Of the 1,302 damages actions initiated, 17% were brought to the sheriff court under the simple procedure, down from 36% in the previous year. The low volume of initiations for the second year in a row is due to the further reduction in simple procedure numbers. Nearly all summary cause actions were absorbed by the simple procedure. 70% of cases were brought to the sheriff court under ordinary cause procedures, up from 51% in 2020-21 (Figure 13).

Table A1 and Table A8 show the counts of all the craves associated with damages cases initiated in 2021-22. The most common craves sought are Damages (1,100), Payment of money (62) and Expenses (41).

**Figure 13: Other procedure for damages higher than simple procedure for the second year running**



### 3.2.6 Repossession

After a large Covid-related fall in 2020-21, repossessions increased by 1,204%, bringing them closer to pre-pandemic levels. However, initiations are still 46% lower than 2019-20.

Repossession involves the retaking of property when a borrower is in breach or default of a mortgage or loan secured on the property. Repossession should not be confused with eviction which, for the purposes of these statistics, refers to the removal of tenants from a rented property (see section 3.2.2).

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

During the pandemic, the Financial Conduct Authority and mortgage lenders also put temporary support measures in place such as payment deferrals which protected homeowners in financial difficulty from repossession. These measures had a substantial impact on repossessions initiated in 2020-21 which were the lowest on record.

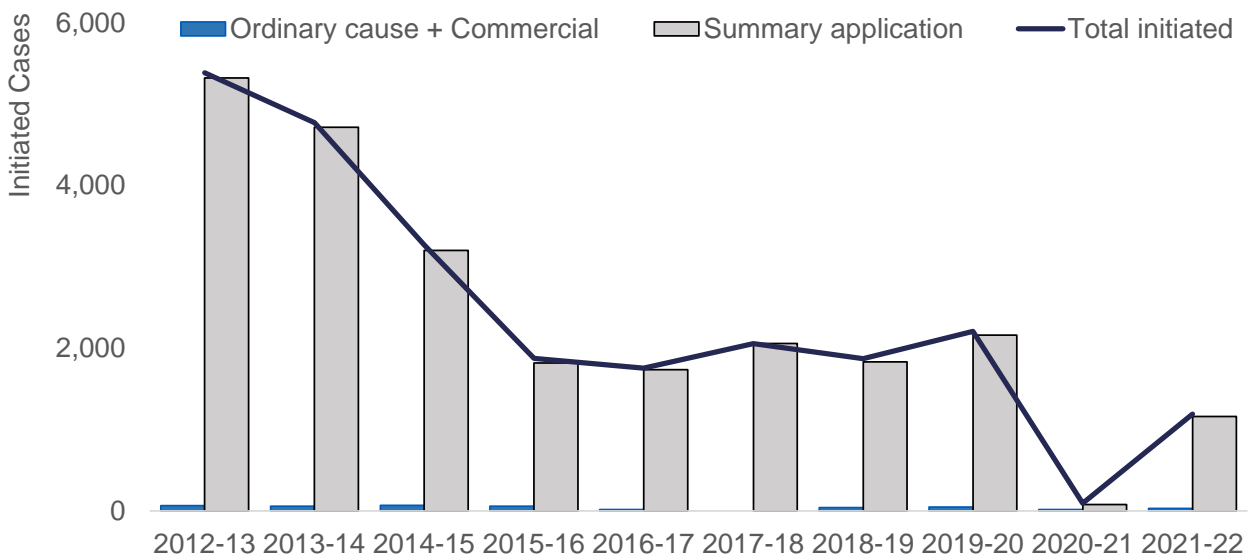


## Evidence

After a large Covid-related fall in 2020-21, initiated cases rose to 1,187, increasing by 1,096 or 1,204%. This increase brings the initiations closer to pre-pandemic levels, but still 46% lower than 2019-20. Non-residential property were raised under ordinary cause and residential property used summary application.

Repossessions were at their highest (5,385) in 2012-13, and decreased consistently until 2016-17. Following the decrease, they fluctuated around 2,000 per year until the record low in 2020-21 (Table 21).

**Figure 14: Repossessions in 2021-22 rose from last year but still below pre-pandemic levels**



In 2021-22, 56% of repossession disposals were granted (Table 22). It is important to note that the granting of a repossession case means the court has permitted repossession to take place, but the order may ultimately not be enforced.

Table A1 and Table A9 show the counts of craves associated with repossession cases initiated in 2021-22. The most common specific craves sought were Repossession (1,182), Expenses (83) and Payment of money (21).

## 3.3 Civil legal aid

In 2021-22, there were 13,502 civil legal aid grants, the vast majority of which were for cases in the sheriff courts

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

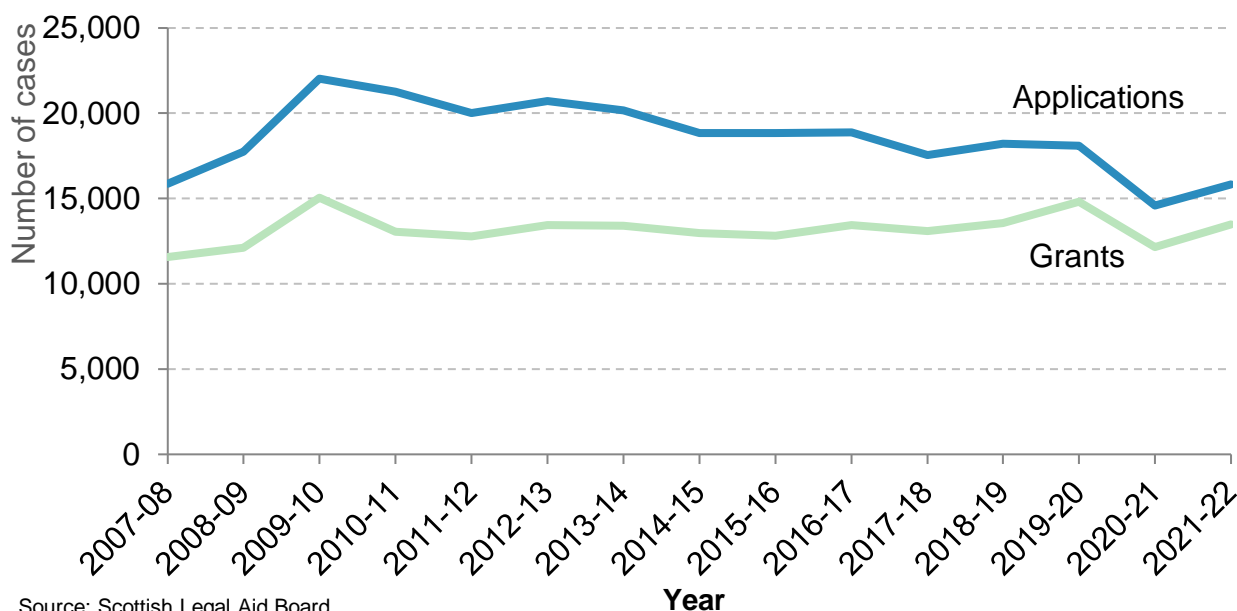
There are two main types of civil legal assistance: advice and assistance (including assistance by way of representation) and civil legal aid. Advice and assistance helps pay for advice from a solicitor on any matter of Scots law. Civil legal aid helps pay for a solicitor to take the case to court.

### Evidence

The number of legal aid applications have been relatively stable in the six years prior to 2020-21. The fall in applications in 2020-21 can be attributed to general behavioural changes due to lockdowns. Additionally, there were procedural changes to ease pressure on the justice system, for example [Coronavirus \(COVID-19\): adults with incapacity](#) emergency provisions which were contained within Coronavirus (Scotland) Act 2020. Grants have been more stable over the last decade, meaning more applications being approved for funding. The high grant acceptance rate is partly due to a rise in applications for Adults with Incapacity cases which have a high success rate. The grants for 2019-20 nearly matched the peak recorded in 2009-10, before falling in line with applications in 2020-21. Grants awarded rose from 2020-21, but are still below the 2019-20 pre-pandemic level.

In 2021-22, there were 13,502 civil legal aid grants (Table 29), the vast majority of which were 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 39% of all grants. The next largest category is contact/parentage, which accounted for 20% of all grants in 2021-22.

**Figure 15: More applications are being granted legal aid, narrowing the gap between applications and grants**



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

SLAB manages three grant funded programmes for projects across Scotland, to enable support for people affected by repossession, eviction, debt problems and other financial needs. In 2021-22 these programmes enabled 3,760 clients to access help and provided representation at court or tribunal on 809 occasions.

Further information and data on legal aid is available from the [Scottish Legal Aid Board Annual Report 2021-22](#).

## 4. Court reforms

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

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

The Scottish Parliament passed the [Civil Litigation \(Expenses and Group Proceedings\) \(Scotland\) Act 2018](#) in May 2018. It received Royal Assent on 5 June 2018 and most of the provisions are now in force. The legislation contains provisions which aim to make the expenses in civil litigation more predictable and affordable, which will improve access to justice. Improved access to justice may result in an increase in the number of cases, especially personal injury actions. The Act also makes provision for a group proceedings procedure. Rules governing the 'opt-in' procedure were implemented in July 2020. The implementation of group proceedings is likely to result in a decrease in the number of actions as multiple claims of the same or similar nature are dealt with by one representative case.

### 4.1 Courts and procedures

#### **Exclusive competence of sheriff courts**

From 22 September 2015

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

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

From 22 September 2015

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

#### **Summary sheriffs**

From 1 April 2016 Summary sheriffs were created and they have a more limited jurisdiction than existing sheriffs, they are limited to dealing with cases of less than £5,000. Summary sheriffs are able to deal with the following proceedings: family; domestic abuse; adoption; children's hearings; forced marriage; warrants and interim orders; diligence proceedings; extension of time to pay debts and simple procedure.

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

From 28 November 2016

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

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

## **4.2 Judicial review**

From 22 September 2015

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

## **4.3 Appeals**

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

From 22 September 2015

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

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

From 1 January 2016

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

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

## 5. Quality of the statistics

### 5.1 Overview

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

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

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

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

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

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

### 5.2 Comparability of data

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

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

The civil justice statistics for 2021-22 can be compared with statistics for 2008-09 onwards although caution is advised for 2020-21 due to the impact of pandemic restrictions. Due to inconsistencies in the data prior to April 2008 and changes in recording methods and definitions, the current series of statistics should not be directly compared with earlier data, which may be shown in this bulletin for illustrative purposes only.

### **5.3 Ordinary cause**

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

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

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

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

### **5.4 Summary application**

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

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

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

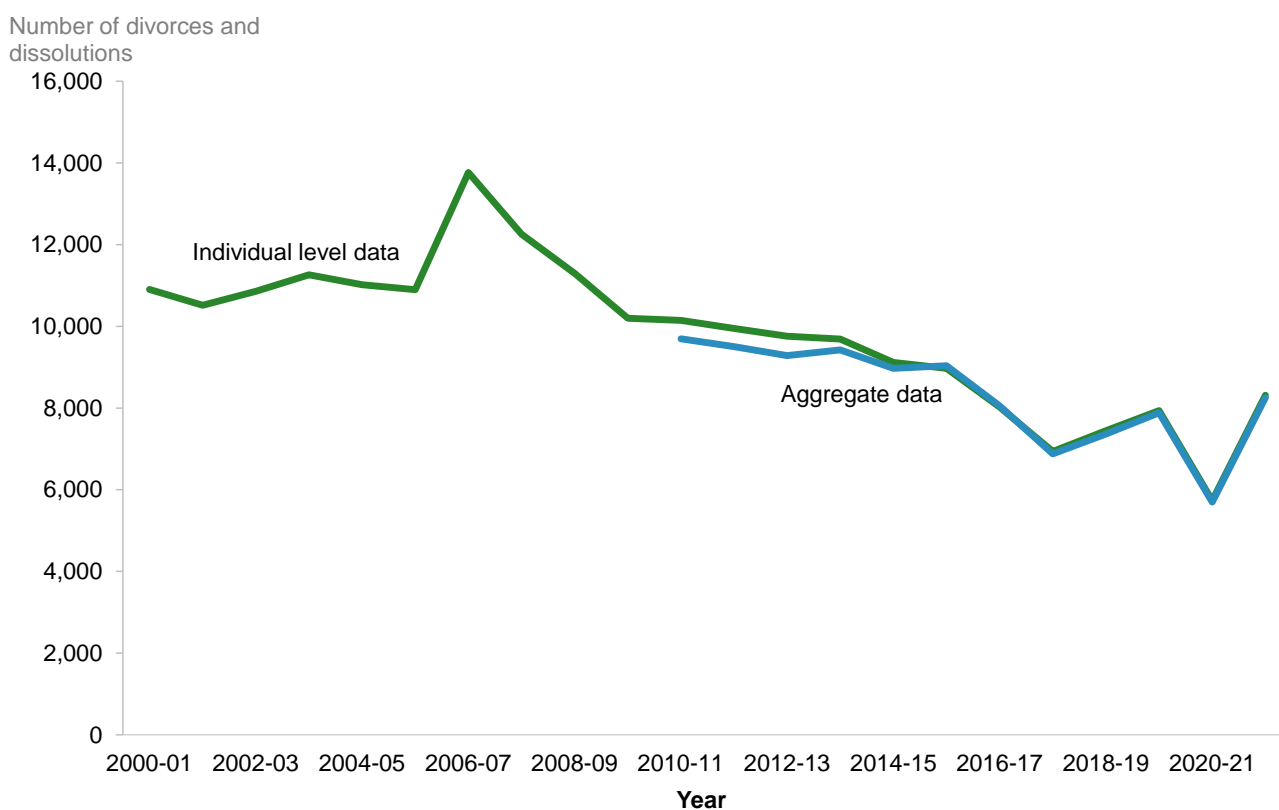
Personal injury cases within the Court of Session are raised under a specific court procedure. However, either party can request permission from the court to opt out of this procedure and use the standard ordinary procedure. When this happens, cases are transferred out and re-registered under the ordinary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

## 5.6 Divorce and dissolution data sources

The divorce and dissolution statistics presented in Table 9, Table 10 and Table 11 are derived from a different data source to the other statistics in this bulletin. Both data sources are based on information recorded by the SCTS but there are differences in the timing and processing of the two extracts.

These differences are small, as demonstrated by the comparison in Figure 16 of the total number of divorces and dissolutions from each source. The statistics in Table 9, Table 10 and Table 11, and the [Divorces & Dissolutions Supplementary Tables](#) attached in Excel as part of this bulletin 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**



1. Figures for 2020-21 are lower than previous years because of the restrictions due to the COVID-19 pandemic



## 6. 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.

### 6.1 Civil law case types

#### **Aliment**

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

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

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

#### **Children’s hearings - appeal**

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

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

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

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

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

#### **Confirmation**

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

#### **Commercial**

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

#### **Company**

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

#### **Damages**

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

#### **Debt**

Payment of money, excluding damages and personal injury.

#### **Decree Dative**

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

**Delivery**

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

**Eviction**

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

**Exclusion order - child's home**

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

**Exclusion order - matrimonial**

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

**Extend/vary interim order**

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

**Implement**

Fulfil an obligation or duty.

**Intellectual property**

Infringement of copyright, patents, trademarks, etc.

**Interdict**

Prevent a particular action being carried out.

**Judicial review**

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

**Land / heritable**

All actions relating to land or immoveable property.

**Liquidation**

Wind up and dissolve a corporate body.

**Nobile officium**

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

**Nullity of marriage / civil partnership**

Void a marriage / civil partnership.

**Parental responsibilities and rights**

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

**Parental responsibilities and rights - contact**

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

**Parental responsibilities and rights - residence**

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

**Parental responsibilities and rights - other**

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

**Permanence order with authority to adopt**

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

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

**Personal injury - asbestos - live mesothelioma**

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

**Personal injury - asbestos - post mesothelioma**

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

**Personal injury - asbestos - pleural plaques**

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

**Personal injury - asbestos - pleural thickening**

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

**Personal Injury - asbestos - other**

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

**Personal injury - clinical negligence**

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

**Personal injury - relative's claim**

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

**Personal injury - other**

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

**Repossession**

Repossess a property in breach / default of a mortgage or loan secured on the property. These cases can be initiated under ordinary cause or summary application procedure.

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

**Succession**

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

**Summary warrant**

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

**Suspension**

Suspend a charge.

**Trusts**

Actions relating to the creation and administration of trusts.

## 6.2 Disposal types (first instance)

**Absolvitor**

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

**Defended / undefended**

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

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

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

**Dropped from roll**

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

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

**Expenses only (sheriff courts)**

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

**For petitioner / pursuer / respondent**

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

**Granted**

Decree is granted in favour of the pursuer.

**Opposed / unopposed (petition department)**

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

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

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

**Withdrawn**

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

**6.3 Disposal types (appeals and reclaiming motions)****Abandoned**

The appeal is abandoned and the original judgment stands.

**Adhered**

The original judgment is adhered to.

**Allowed**

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

**Dismissed**

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

**Recalled**

The original judgment is recalled.

**Refused**

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

**Varied**

The original judgment is varied.

## 6.4 Glossary

### **Advocate**

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

### **Ancillary crave**

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

### **Counsel**

Another term for an advocate or solicitor-advocate.

### **Decree**

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

### **Defender / respondent**

The person or body against whom a case is raised.

### **Disposal**

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

### **Initial writ / summons**

A form of document used to commence some court cases.

### **Initiation**

The registration of a case with the court.

### **Principal crave**

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

### **Pursuer / petitioner**

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

### **Reclaiming motion**

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

### **Sisted**

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

### **Summary Application**

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

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The data collected for this statistical bulletin:

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- are available via background tables: [Civil Justice statistics - gov.scot](http://www.gov.scot) ([www.gov.scot](http://www.gov.scot))
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