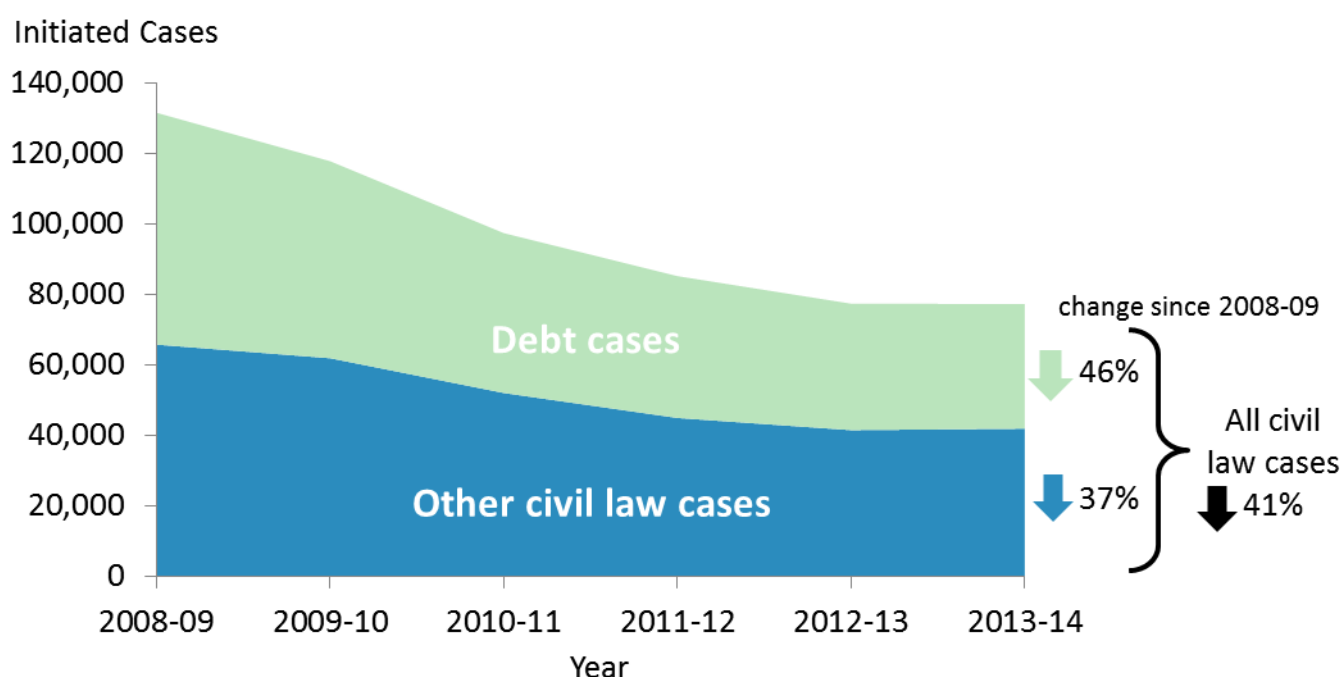


## CRIME AND JUSTICE

# Civil Justice Statistics in Scotland 2013-14

First published 21 July 2015  
Corrected 23 November 2015



There were 77,173 civil law cases initiated in 2013-14, a similar number to 2012-13.

The number of civil law cases in 2013-14 was 41 per cent lower than 2008-09, largely because debt cases have nearly halved since then.

Nearly a third of personal injury cases were raised in the Court of Session where they made up over three quarters of the cases in the General Department.

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# 1. Introduction

Civil justice is concerned with the rights and obligations of people and organisations. One way of resolving civil law disputes between people and organisations 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.

This bulletin presents and describes statistics on civil justice in Scotland. The primary focus is on civil law cases in sheriff courts and the Court of Session in the financial year 2013-14. This is supported by an overview of the civil court structure, a description of recent changes in legislation, a historical overview of the volume of civil law cases and a list of definitions. To add further context on civil justice in Scotland, the bulletin also gives an overview of civil justice statistics from the Scottish Legal Aid Board and the Scottish Crime and Justice Survey.

In addition to this bulletin the 2013-14 Civil Justice 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, that can be used to generate user customised tables and charts
- statistics news release

The 2013-14 Civil Justice Statistics in Scotland release differs from previous releases in this series. Firstly, the name of the release has been altered slightly from civil **law** to civil **justice**. This follows a request from users to make the title of the release reflect its content more accurately. Secondly, the 2013-14 release includes a bulletin with commentary on the statistics, similar in style to the 2011-12 release. This version of the bulletin reflects corrections made to the Court of Session statistics in November 2015.

## Important notes on the use of civil justice statistics

The civil law court statistics published by the Scottish Government 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 publication of statistics on ancillary craves 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 claim](#) 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 in that same year.

Civil law statistics are used within the Scottish Government to inform decision and policy making and to monitor the impacts of policies which have been implemented. The statistics are also used in 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.

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

## Recent changes to civil legislation

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 chapter of this bulletin (see page 27 and Table 8). In general, the summary applications raised in court under the new Act have equivalents in the [Children \(S\) 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. Previous editions of this bulletin referred to these statistics as 'Child in place of safety'. The 'Children's Hearing 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. The 'other' category includes Child Protection Order, Child Assessment Order as well as 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 previous editions of this bulletin.

The [Courts Reform \(Scotland\) Act 2014](#) introduced a raft of reforms to the way in which civil law cases and summary criminal cases are dealt with by the courts in Scotland. Several measures in the Act, including an increase in the privative jurisdiction (now known as the exclusive competence) of the sheriff court, a new simple procedure in the sheriff court to replace summary cause and small claims,

introduction of a third tier of judiciary (summary sheriffs), establishment of a specialist Scotland-wide personal injury court and the creation of a Sheriff Appeal Court will affect statistics in future editions of this bulletin. However, the 2013-14 statistics reported in this bulletin relate to a period before the Act was implemented and so are unaffected by it.

Amongst 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.

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.

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

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 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.

## 2. The civil court structure 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. Civil law court cases are carried out using one of three procedures:

**Ordinary cause** – This procedure is used where the case involves any monetary claim over £5,000, for cases involving family disputes or for many other cases where more complex legal issues arise. Cases carried out using this procedure may be heard in the Court of Session or the sheriff courts.

**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 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.

**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 (and including) £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.

In addition to ordinary cause, summary cause and small claims cases, sheriff courts also handle applications which are made mainly under statutes (Acts of Parliament) and carried out under summary application procedure, so-called because these applications can be disposed of in a brief and informal (or summary) manner.

These procedures will be fundamentally altered by the new simple procedure introduced by the [Courts Reform \(Scotland\) Act 2014](#) which will replace summary cause and small claims actions in the sheriff courts.

### Sheriff courts

Sheriff courts are local courts of civil jurisdiction in Scotland. They also have jurisdiction in criminal law cases. For the 2013-14 period there were initially 49 sheriff courts, grouped into six sheriffdoms. Sheriff courts at Dornoch, Kirkcudbright and Rothesay closed in November 2013 (Figure 1). Most civil law cases are heard before a sheriff. Each sheriffdom has a senior judicial officer, known as a sheriff principal, who hears civil law case appeals, determines certain types of inquiry, performs statutory administrative functions and also has responsibility for the effective and efficient disposal of business in the sheriff and Justice of the Peace courts within the sheriffdom.

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.



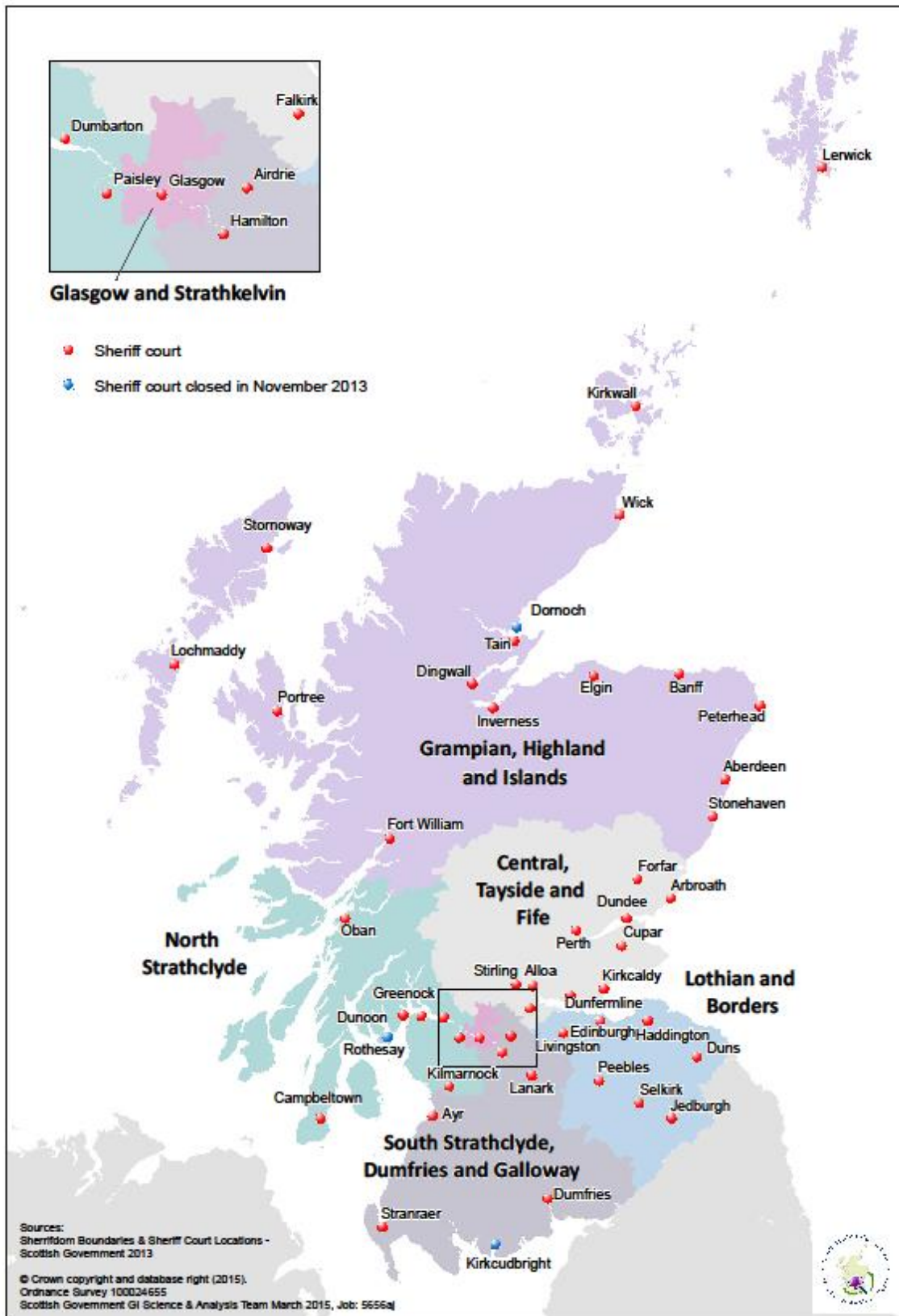
Appeals of civil cases which have been disposed in the sheriff courts can be made to the sheriff principal or the Inner House of the Court of Session, depending on the procedure used:

- Small claim appeals must be made to the sheriff principal whose decision is final
- Summary cause appeals must also be made to the sheriff principal in the first instance but the judgment of the sheriff principal may, if the case is certified as suitable, be appealed to the Inner House of the Court of Session
- Ordinary cause appellants may in some circumstances appeal to either the sheriff principal or the Court of Session. Where the case is appealed to the sheriff principal it may, in some circumstances, be further appealed to the Court of Session.

Once the Sheriff Appeal Court (civil) is established in early 2016, all civil appeals from summary sheriffs, sheriffs and sheriffs principal (when sitting in first instance) will be to the Sheriff Appeal Court (civil) in the first instance. This includes appeals in simple procedure cases once simple procedure is commenced in Spring 2016. Once the Sheriff Appeal Court (civil) is established and until such times as simple procedure is commenced, small claims, summary cause and ordinary cause cases will be appealed to the Sheriff Appeal Court. The possibility exists for onward appeal for all civil appeals heard by the Sheriff Appeal Court (civil) to the Court of Session but only with the permission of the Sheriff Appeal Court (civil) or the Court of Session if permission is refused by the Sheriff Appeal Court (civil) and 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.

Personal injury cases heard in the Sheriff Personal Injury Court, which is to be established on 22 September 2015, may be appealed to the Court of Session until such times as the Sheriff Appeal Court (civil) is established whereupon they will be appealed to that court.

Figure 1: Location of the sheriff courts in Scotland in 2013-14



1. The sheriff courts at Dornoch, Kirkcudbright and Rothesay closed in November 2013. Further information on court closures in May 2014 and January 2015 is available from the [Scottish Courts and Tribunals Service](http://www.scotcourts.gov.uk).

## Court of Session

The Court of Session is the highest civil court in Scotland. There are three departments within the Court of Session.

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.

The **Inner House and Extracts Department** deals with all cases proceeding before the Inner House and the issue of official court documents allowing judgments of the court to be enforced, known as extracts.

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 this court, except where the business is procedural in nature when a single judge may sit for most classes of appeal.

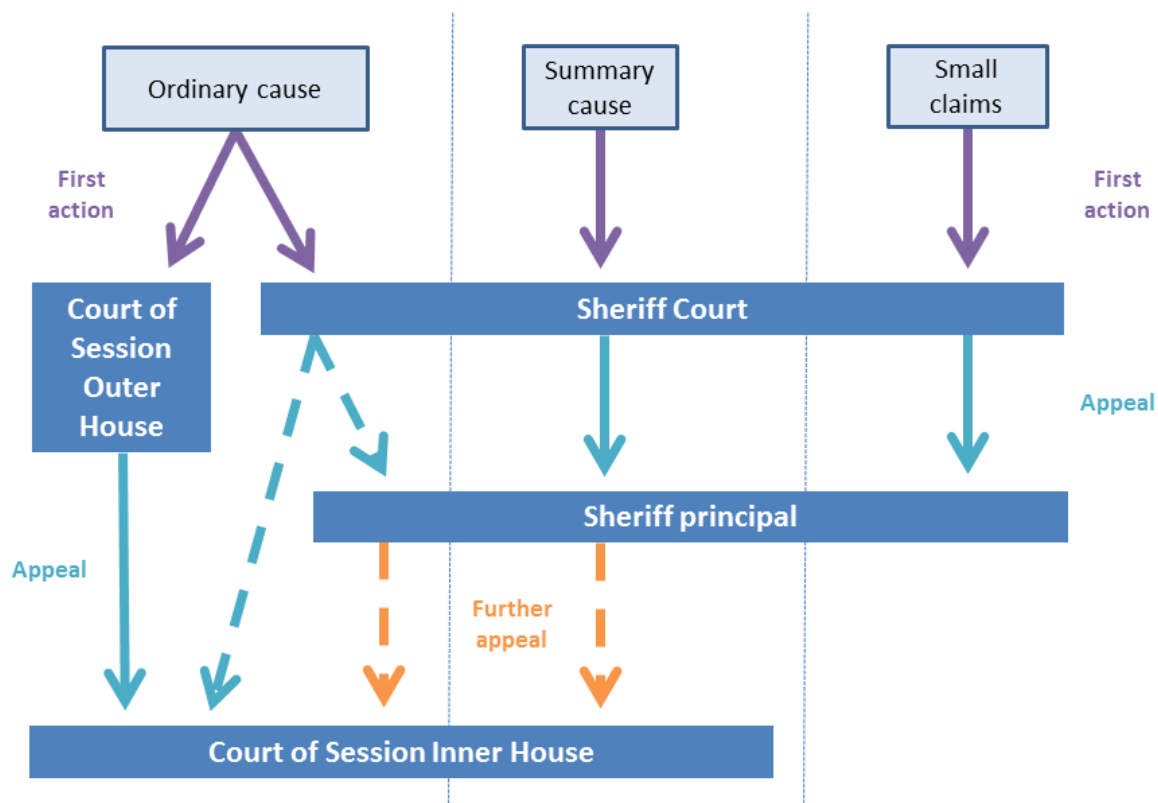
Appeals from the Outer House of the Court of Session, known as reclaiming motions, are made to the Inner House. The Inner House also hears appeals from the sheriff courts and certain tribunals and other bodies. The [Courts Reform \(Scotland\) Act 2014](#) provided the Court of Session power to provide by act of sederunt for a single judge of the Inner House to determine any applications to the Inner House for leave or permission to appeal to it and to consider any appeal proceedings initially. The act of sederunt also provides for a review of that decision by a Division of the Inner House.

Appeals against judgments of the Inner House of the Court of Session may be made 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. A decision of the Inner House can be appealed to the UK Supreme Court. The general rule (with some exceptions) is that such appeals come to the UK Supreme Court without the requirement for permission by the Inner House but that they must be certified by two counsel as “reasonable” before they can be heard in the UK Supreme Court. As of 22 September 2015, the current provisions will be replaced by leave to appeal, only with permission of the Inner House or, failing such permission, with the permission of the UK Supreme Court. Statistics on appeals from the Court of Session to the UK Supreme Court are not published by the Scottish Government.

Figure 2 displays the main relationships between civil law court procedures and the civil courts but it should be noted that there may be differences in certain circumstances. Summary applications and commissary business aren't represented in the diagram as the processes for dealing with these procedures vary depending

Civil court structure on the subject matter of the case. Statistics on appeals and reclaiming motions can be found in the [Civil Justice Statistics in Scotland 2013-14 Supplementary Tables](#).

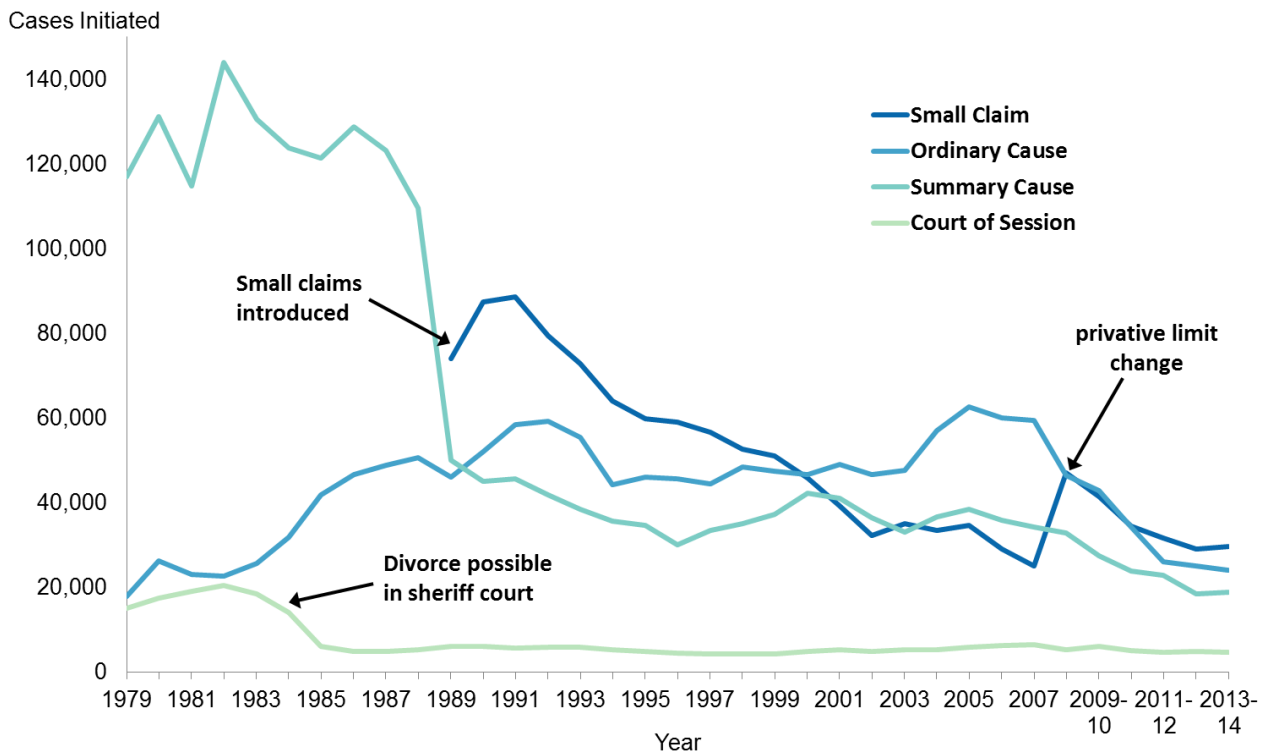
**Figure 2: Summary of court structure**



### 3. History of civil law court cases

The volume of civil law court cases in Scotland has changed over the last thirty years (Figure 3).

**Figure 3: Number of civil law court cases since 1979**



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 and including £750. As a consequence, considerably fewer people had to use summary cause procedure which, until then, had been the least formal procedure available in the sheriff courts.

The number of small claims cases briefly increased following the procedure's introduction but subsequently decreased until 2008, when the monetary limits of various sheriff court procedures were increased. Small claims can now be made up to and including the value of £3,000 which has led to an increase in the number of cases initiated using this procedure. The number of cases initiated under ordinary cause procedure has been declining since reaching a peak of just over 60,000 in 2005. Changes to sheriff court jurisdiction limits in January 2008 led to an increase in the number of small claims cases and a decrease in ordinary cause cases. The further decrease in ordinary cause cases during 2011 seems to have been caused by the effects of the [Home Owner and Debtor Protection \(Scotland\) Act 2010](#).

The Court of Session handles a much lower volume of cases than the sheriff courts. In the early 1980s around 20,000 cases were initiated in the Court of Session but this has since dropped to between 4,000 and 6,000. Overall, the total

History of civil law court cases  
number of civil law cases going through the courts has been decreasing since the  
early 1990s and fell below 100,000 for the first time in 2010.

## 4. General trends

There were 77,173 civil law cases initiated in 2013-14, a similar number to 2012-13

Sheriff courts accounted for 94 per cent of civil law cases and 41 per cent of cases in sheriff court were small claims

Survey data shows civil law problems were experienced by nearly a quarter of the adult population

Most civil legal aid grants are made for family cases

### Scottish Crime and Justice Survey: civil justice module

The Scottish Crime and Justice Survey (SCJS)<sup>1</sup> includes questions on experience of and response to civil law problems. Respondents were asked about civil problems which may raise a legal issue or which, if not resolved earlier, could ultimately result in legal proceedings, for example, welfare rights, debt, housing, employment, divorce or separation and consumer issues. Respondents were asked if, over the previous three years prior to interview<sup>2</sup>, they had experienced any of a list<sup>3</sup> of named problems or disputes. They were then asked whether they attempted to solve them, if they used help or advice in that process and if so from whom.

The problem areas covered were:

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

The 2012-13 SCJS shows that almost one in four (23 per cent) adults had experienced at least one of the civil law problems asked about in the last three years.

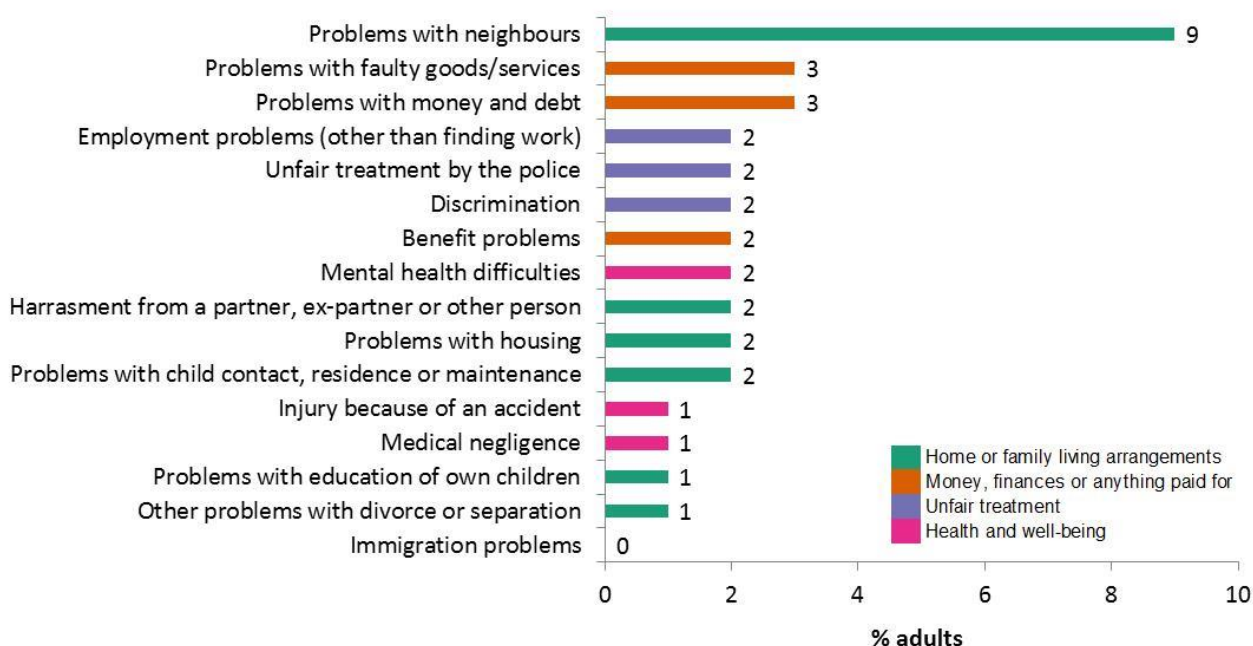
Within the areas listed above, 14 per cent of adults had experienced problems with home or family living arrangements, eight per cent had experienced problems with money, finances or anything they had paid for, five per cent had been treated unfairly in some respect and four per cent had experienced health or well-being problems.

The most common single problem was with neighbours, experienced by nine per cent. The next most common civil law problems involved faulty goods or services (three per cent) and money & debt (three per cent) (Figure 4).

<sup>1</sup> More information on the SCJS can be found within the [Scottish Government website](#).

<sup>2</sup> Information on the [SCJS questionnaire](#).

<sup>3</sup> For more information, see [SCJS 2012-13 publication](#) table 8.4.

**Figure 4: Experience of civil law problems: SCJS 2012-13**

A third of all respondents with one or more civil law problem in the last three years said a problem concerning neighbours was the most important or only problem to solve, while 10 per cent of problems involved faulty goods or services.

Of those who identified the most important or only problem, 31 per cent reported the problem began less than 12 months ago, 20 per cent reported the problem began over a year but less than two years ago and 30 per cent reported the problem began over three years ago. Nineteen per cent of respondents who 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. Less than half (46 per cent) had resolved the problem whilst just over a third (34 per cent) were still trying to resolve the problem. Around one in ten had tried to resolve the problem but had to give up (9 per cent) or were not planning to do anything (8 per cent). Of those not planning to do anything, 42 per cent felt it was not worth the effort and 28 per cent didn't think anything could be done.

For those who had resolved their problem, 24 per cent said it had taken less than a month, while 26 per cent had taken between one and six months.

Where respondents had identified the most important or only problem, 18 per cent planned to contact either a Citizens Advice Bureau (or similar advice organisation) and 17 per cent a solicitor or lawyer. Of those who had not either contacted or planned to contact a Citizens Advice Bureau (or similar advice organisation), around a third (34 per cent) felt able to deal with the problem without their help and just over a quarter (28 per cent) didn't think they could do anything to help.

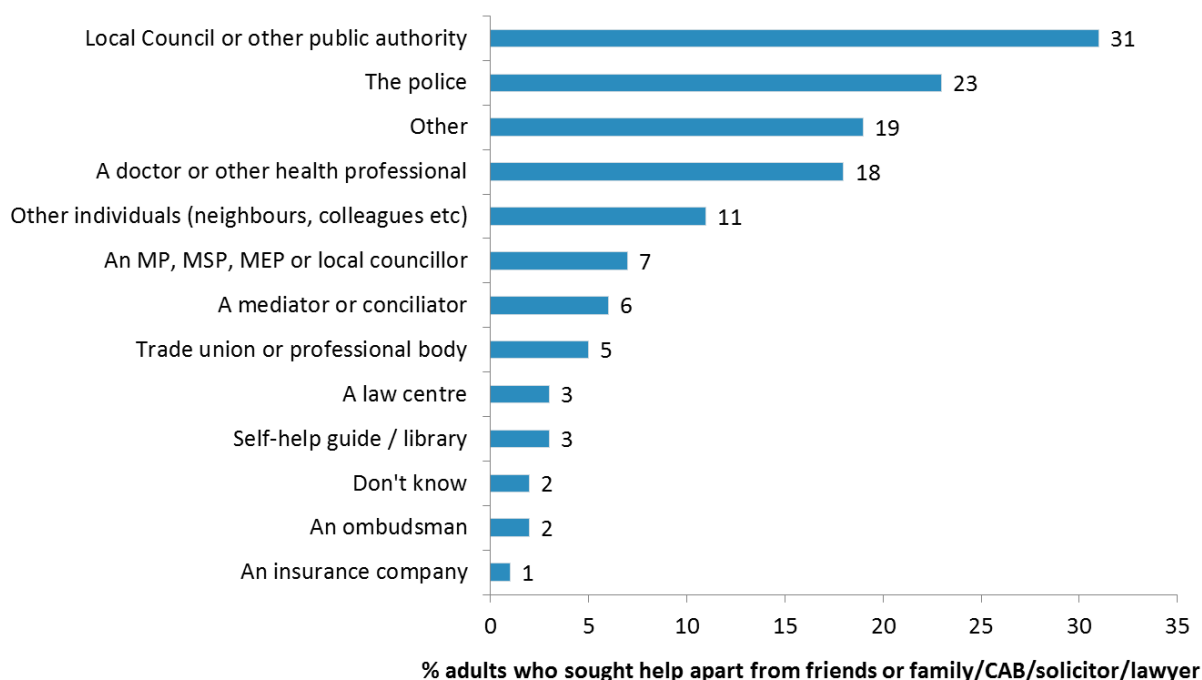


Fourteen per cent didn't know these organisations dealt with the sort of problem they had experienced.

Those who had not either contacted or planned to contact a solicitor or lawyer gave similar responses: 30 per cent felt able to deal with the problem without their help and 19 per cent didn't think they could do anything to help. In addition, 17 per cent didn't think the problem was serious enough to involve a solicitor or lawyer and 16 per cent were worried about the cost or didn't want to pay the cost.

Of all respondents who identified the most important or only problem, 34 per cent sought information, advice or help from sources other than friends or family, Citizens Advice Bureau (or similar advice organisation), or solicitor or lawyer. These sources of help are shown in Figure 5.

**Figure 5: Other sources of help or advice, SCJS 2012-13**



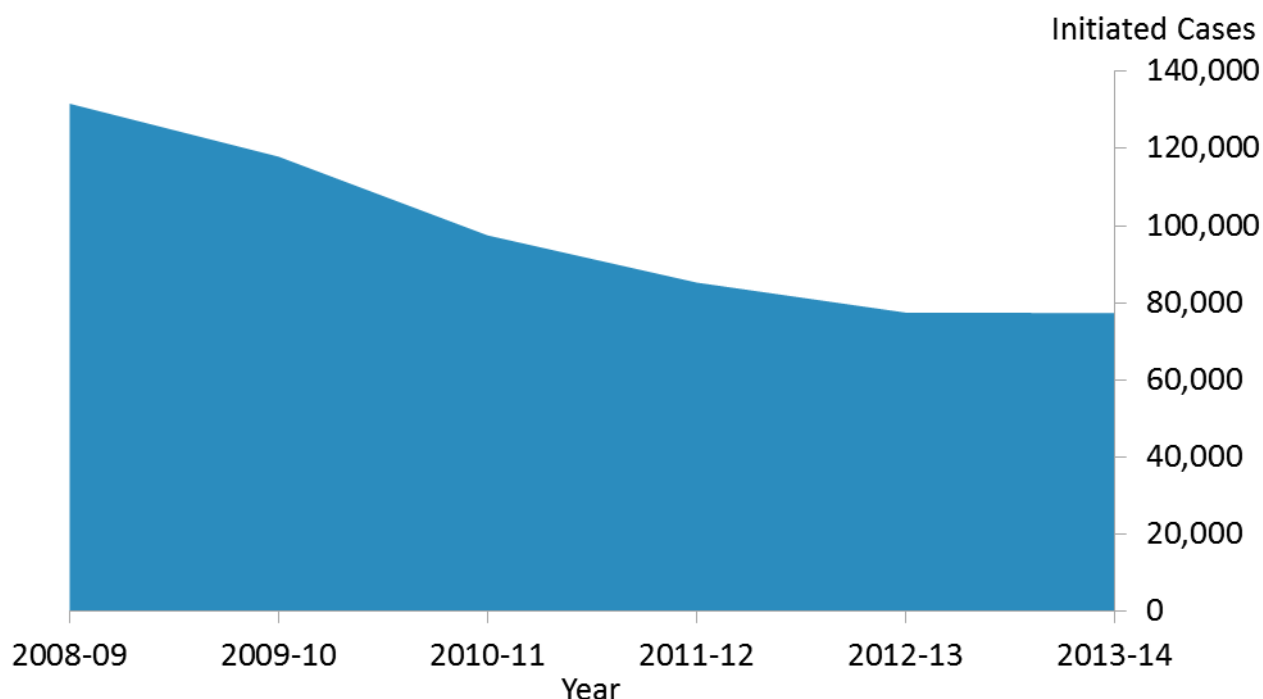
Respondents who sought help from a Citizens Advice Bureau (or similar organisation) received advice (68 per cent), information (51 per cent) or had the organisation contact the other party on their behalf (16 per cent). Those who sought help from a solicitor or lawyer received advice (48 per cent), had them contact the other party on their behalf (39 per cent) or received information (29 per cent) whilst over a quarter (28 per cent) received representation in court or in a tribunal.

Vulnerable groups are more likely to experience civil law problems than the general population. Those who live in areas of multiple deprivation suffered a higher prevalence of civil justice problems (32 per cent), as did victims of crime (35 per cent) compared to 23 per cent overall in 2012-13. Those who live in rented (as opposed to owner occupied) accommodation are also more likely to experience civil law problems: 32 per cent for social rent and 30 per cent for private rent as opposed to 18 per cent for owner occupied.

## Courts

There were 77,173 civil law cases initiated across the Court of Session and sheriff courts in 2013-14 (not including summary applications). This was similar to the number of cases initiated the previous year halting the downward trend over the previous years. The number of cases initiated was 41 per cent lower than 2008-09 when this series of statistics began (Figure 6 and Table 1).

**Figure 6: Civil law cases initiated across Court of Session and sheriff courts**



There were 70,267 disposals of civil law cases in 2013-14. This was a small drop of four per cent compared to 2012-13 but 39 per cent lower than 2008-09, so the trend in disposals is similar to initiations.

The decrease in civil law cases has been fairly consistent across sheriffdoms, procedures and case types, but there are some exceptions. The decrease in the number of cases initiated in the Court of Session is much smaller than for sheriff courts. The number of family cases initiated has also decreased less than most other types of cases. Personal injury cases have seen an overall increase since 2008-9 but have decreased by 15 per cent from a peak in 2009-10.

**Table 1: Civil law cases initiated and disposed in the Court of Session and sheriff courts, 2008-09 to 2013-14**

Cases		2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	% change on	
								2012-13	2008-09
<b>Initiated</b>	Court of Session	5,329	6,152	5,176	4,754	4,943	4,662	-6	-13
	Sheriff courts	126,304	111,737	92,308	80,502	72,510	72,511	0	-43
	<b>All courts</b>	<b>131,633</b>	<b>117,889</b>	<b>97,484</b>	<b>85,256</b>	<b>77,453</b>	<b>77,173</b>	<b>0</b>	<b>-41</b>
<b>Disposed</b>	Court of Session	4,022	4,356	4,295	4,856	4,712	4,911	4	22
	Sheriff courts	111,541	104,831	87,504	77,147	68,781	65,356	-5	-41
	<b>All courts</b>	<b>115,563</b>	<b>109,187</b>	<b>91,799</b>	<b>82,003</b>	<b>73,493</b>	<b>70,267</b>	<b>-4</b>	<b>-39</b>

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. Court of Session and All Courts statistics for 2013-14 corrected November 2015.

There were 4,662 cases initiated across the General Department, Petition Department and Inner House of the Court of Session and a similar number disposed. Nearly three quarters (72 per cent) of cases in the Court of Session are dealt with in the General Department (but note that the number of cases shown for the Inner House excludes appeals and reclaiming motions) (Table 2).

**Table 2: Cases initiated and disposed in the Court of Session, 2008-09 to 2013-14**

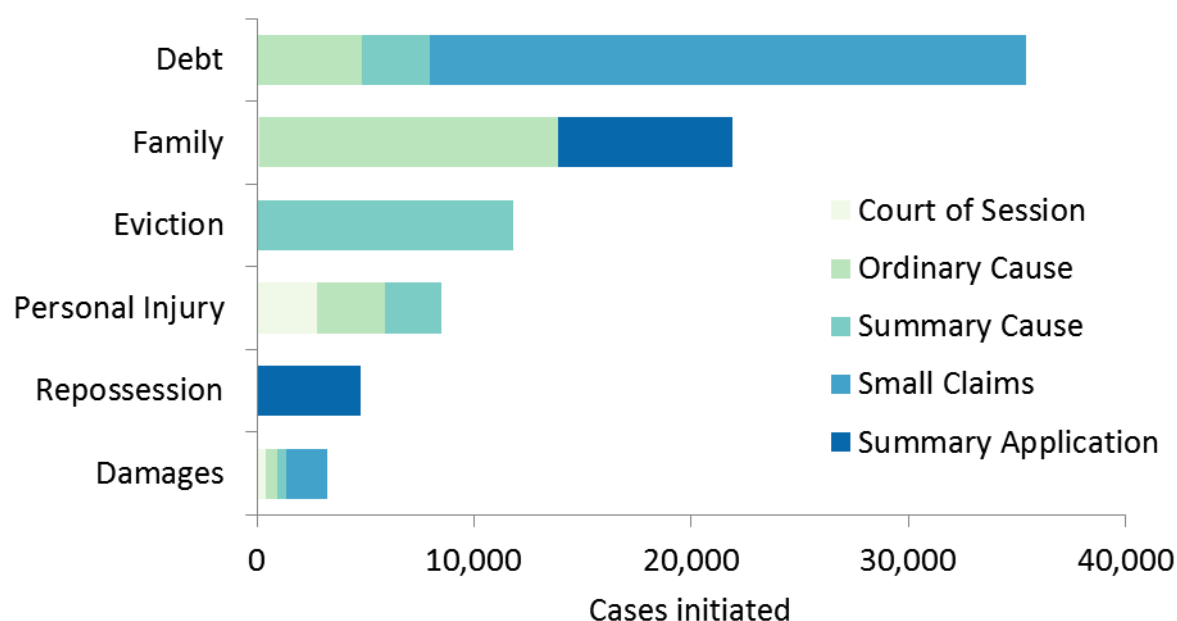
Court of Session department	Cases	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	% change on	
								2012-13	2008-09
<b>General Department</b>	Initiated	3,736	4,479	3,723	3,390	3,568	3,359	-6	
	Disposed	2,961	3,167	3,187	3,455	3,405	3,656	7	
<b>Petition Department</b>	Initiated	1,473	1,555	1,358	1,223	1,211	1,179	-3	
	Disposed	988	1,094	1,035	1,299	1,191	1,126	-5	
<b>Inner House<sup>2</sup></b>	Initiated	120	118	95	141	164	124	-24	
	Disposed	73	95	73	102	116	129	11	
<b>Total</b>	<b>Initiated</b>	<b>5,329</b>	<b>6,152</b>	<b>5,176</b>	<b>4,754</b>	<b>4,943</b>	<b>4,662</b>	<b>-6</b>	
	<b>Disposed</b>	<b>4,022</b>	<b>4,356</b>	<b>4,295</b>	<b>4,856</b>	<b>4,712</b>	<b>4,911</b>	<b>4</b>	

1. Figures for initiations and disposals do not necessarily refer to the same cases.
2. First instance business only – excludes appeals and reclaiming motions.
3. Statistics for 2013-14 corrected November 2015.

In 2013-14 there were 72,511 civil law cases initiated and 65,356 cases disposed in the sheriff courts. While the number of cases initiated and disposed was similar to the previous year these have fallen by 43 and 41 per cent respectively since 2008-09. Cases initiated using the small claim procedure have decreased the least since 2008-09 and now make up 41 per cent of cases initiated in the sheriff courts (Figure 7 and Table 3).

All sheriffdoms in Scotland have seen an overall drop in the number of cases initiated and disposed since 2008-09. However, between 2012-13 and 2013-14 there were small rises in cases initiated in Lothian and Borders, North Strathclyde and Grampian, Highlands and Islands (Table 4).

**Figure 7: Overview of the civil law cases in the sheriff courts and Court of Session reported in this bulletin, 2013-14**



**Table 3: Cases initiated and disposed of in the sheriff courts, by procedure, 2008-09 to 2013-14**

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	% change on 2012-13
<b>Initiated</b>	Ordinary cause	46,477	42,823	34,123	26,021	24,957	24,026	-4
	Summary cause	32,736	27,464	23,799	22,783	18,510	18,852	2
	Small claim	47,091	41,450	34,386	31,698	29,043	29,633	2
	<b>Total initiated</b>	<b>126,304</b>	<b>111,737</b>	<b>92,308</b>	<b>80,502</b>	<b>72,510</b>	<b>72,511</b>	<b>0</b>
<b>Disposed</b>	Ordinary cause	38,902	33,911	29,768	23,410	20,733	19,575	-6
	Summary cause	31,231	27,568	24,036	22,434	19,831	17,876	-10
	Small claim	41,408	43,352	33,700	31,303	28,217	27,905	-1
	<b>Total disposed</b>	<b>111,541</b>	<b>104,831</b>	<b>87,504</b>	<b>77,147</b>	<b>68,781</b>	<b>65,356</b>	<b>-5</b>

1. Excludes summary applications.

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

**Table 4: Cases initiated and disposed of in the sheriff courts, by sheriffdom, 2008-09 to 2013-14**

Cases	Sheriffdom	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	% change on 2012-13	2013-14 cases per 1,000 population <sup>3</sup>
<b>Initiated</b>	Tayside, Central and Fife	22,456	20,204	16,816	14,759	14,006	13,590	-3	13
	Glasgow and Strathkelvin	24,919	22,389	17,784	16,305	14,313	13,433	-6	19
	South Strathclyde, Dumfries and Galloway	22,949	19,457	16,869	14,171	12,968	12,870	-1	14
	Lothian and Borders	24,469	21,439	16,211	14,148	11,554	11,755	2	12
	North Strathclyde	17,177	14,907	12,954	10,577	9,932	10,447	5	13
	Grampian, Highlands and Islands	14,334	13,341	11,674	10,542	9,737	10,416	7	12
	<b>Scotland total initiated</b>	<b>126,304</b>	<b>111,737</b>	<b>92,308</b>	<b>80,502</b>	<b>72,510</b>	<b>72,511</b>	<b>0</b>	<b>14</b>
<b>Disposed</b>	Tayside, Central and Fife	20,160	18,730	16,081	14,343	13,268	12,476	-6	12
	Glasgow and Strathkelvin	21,315	20,059	16,134	15,630	13,544	11,828	-13	16
	South Strathclyde, Dumfries and Galloway	20,829	18,759	15,979	13,749	12,466	11,801	-6	13
	Lothian and Borders	20,384	20,948	15,957	13,494	11,595	11,029	-5	11
	North Strathclyde	15,687	13,455	12,218	9,921	8,803	8,949	2	11
	Grampian, Highlands and Islands	13,166	12,880	11,135	10,010	9,105	9,273	2	10
	<b>Scotland total disposed</b>	<b>111,541</b>	<b>104,831</b>	<b>87,504</b>	<b>77,147</b>	<b>68,781</b>	<b>65,356</b>	<b>-5</b>	<b>12</b>

1. Excludes summary applications.

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

3. Based on mid-2013 small area population estimates provided by National Records of Scotland.

The [mid-2013 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 per 1,000 population. This allows the incidence of civil law cases in each sheriffdom to be directly compared. The overall number of cases initiated across Scotland is 14 for every 1,000 people. This rate is similar for all sheriffdoms with the exception of Glasgow and Strathkelvin where the incidence is higher at 19 cases initiated for every 1,000 people (Table 4). The reason for this is unclear but it could be down to a greater density of businesses and a greater daytime (rather than resident) population in the Glasgow and Strathkelvin area compared to the rest of Scotland.

There was a large variation in the number of civil law cases dealt with by sheriff courts in Scotland in 2013-14. Glasgow sheriff court had by far the largest number of cases (13,433 cases initiated) followed by Edinburgh (7,215 cases initiated). Some courts in more rural parts of Scotland dealt with fewer than 100 cases ([Supplementary Table S1](#)). A map showing the location of sheriff courts in Scotland, together with information on court closures, is shown in Figure 1.

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 2013-14, 21,670 ordinary estates were confirmed with an average value of £215,000. There were also 2,339 small estates confirmed, with an average value of £24,100 ([Supplementary Table S6](#)).

## 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 for it on their own to gain access to the legal system. In 2013-14, civil legal assistance made up around a third of the net total legal assistance expenditure.

There are two main types of civil legal assistance: advice and assistance (including advice by way of representation) and 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 act in court. Civil legal aid makes up around 15 per cent of the grants of legal assistance. However, civil legal aid cases cost more than other types of civil legal assistance, so the 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 dropped in recent years. Figure 8 shows demand (as indicated by applications) peaked in 2009-10 following rises in the previous two years.

In 2013-14, there were 13,409 civil legal aid grants, the vast majority of which were for cases in the sheriff courts. Most civil legal aid grants are made for family cases (62 per cent), primarily contact/parentage<sup>4</sup> and divorce/separation cases.

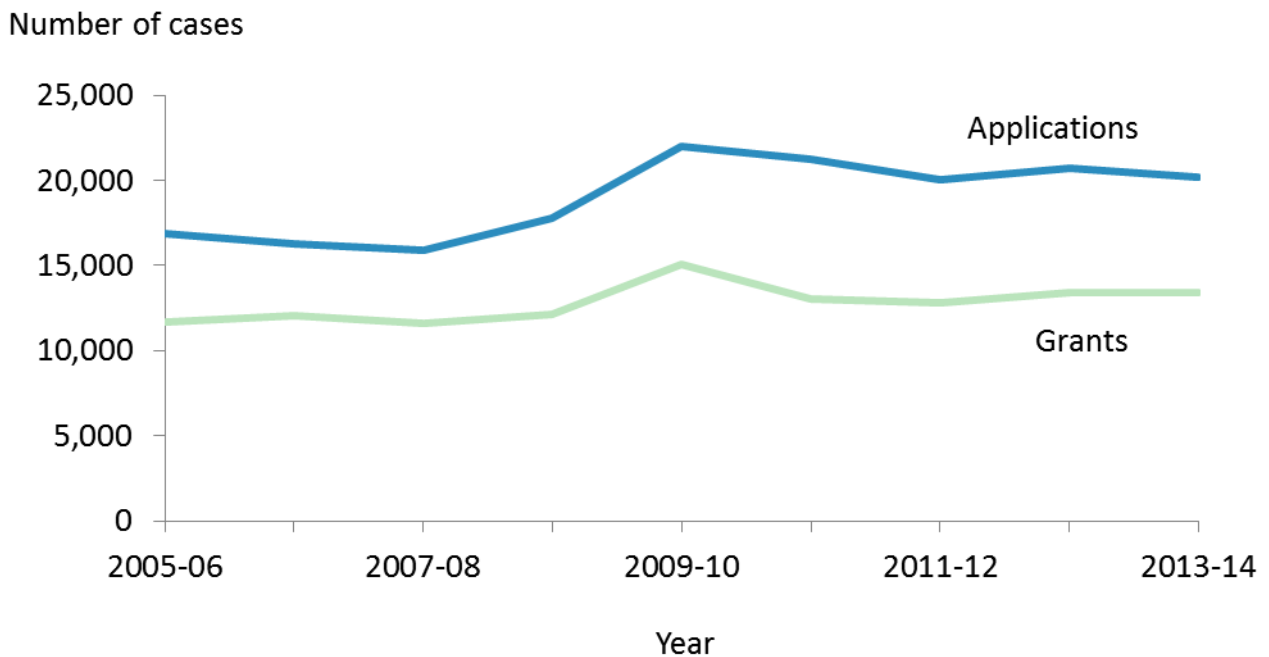
SLAB manages two grant funded programmes which enable support for people affected by repossession, eviction, debt problems and benefits disputes. In 2013-14

<sup>4</sup> Includes declarator of parentage, parental rights, adoption, permanency orders and related cases.

these programmes enabled 16,770 people to access help, including representation at court for 3,248 people.

Further information and data on legal aid is available from the [Scottish Legal Aid Board Annual Report 2013-14](#).

**Figure 8: Civil legal aid applications and grants**



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. Family

Divorce and dissolution make up 76 per cent of family cases

Of the 9,619 divorces granted in 2013-14 three fifths used the simplified procedure

Fewer than 1 per cent of family cases are heard in the Court of Session

### Family law in Scotland

Family law covers a wide range of areas including divorce, dissolution of a civil partnership, parental responsibilities and rights and aliment. This section also contains statistics on sheriff court summary applications relating to children's hearings and adoption.

### Scottish Crime and Justice Survey

In the 2012-13 Scottish Crime and Justice Survey, two per cent of respondents to the civil module reported experiencing a problem to do with child contact, residence or maintenance, two per cent experienced problems to do with the behaviour of a partner, ex-partner or other person harassing them and one per cent of respondents reported other problems to do with divorce or separation.

Amongst those for whom family based problems are considered to be most important, almost half (48 per cent) had already solved the problem, while 38 per cent were still trying to solve it. Thirty one per cent had sought help or advice from others excluding from family or friends and over half (53 per cent) had made contact with a solicitor<sup>5</sup> for help.

### Courts

The court statistics presented in this bulletin relate only to the principal crave of case. This means that the statistics on certain case types, such as contact and residence, may not reflect the true number of actions brought to court as they are often ancillary craves in a case where the principal crave is for divorce.

During 2013-14, 13,853 family cases were initiated in the civil courts and 11,880 were disposed. Although there has been an overall decrease in cases initiated and disposed since 2008-09, the number of family cases has been stable since 2011-12. Divorce / dissolution and parental responsibilities and rights are the biggest case types and together account for 94 per cent of family cases initiated (Figure 9 and Table 5).

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<sup>5</sup> The questionnaire changed from previous years how it asked about receiving help from a solicitor.



**Table 5: Family procedure cases initiated and disposed of in the civil courts, by case type, 2008-09 to 2013-14**

<b>Cases</b>	<b>Case type</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>% change on 2012-13</b>
<b>Initiated</b>	Divorce / dissolution	11,752	11,159	11,018	10,678	10,355	10,573	2
	Parental responsibilities & rights	2,364	2,742	2,713	2,272	2,751	2,479	-10
	Interdict	381	409	262	329	370	352	-5
	Aliment	82	88	89	69	58	77	33
	Exclusion order	7	18	26	14	14	16	14
	Nullity of marriage / civil partnership	0	0	2	1	0	0	0
	Other	250	317	386	316	314	356	13
	<b>Total initiated</b>	<b>14,836</b>	<b>14,733</b>	<b>14,496</b>	<b>13,679</b>	<b>13,862</b>	<b>13,853</b>	<b>0</b>
<b>Disposed</b>	Divorce / dissolution	11,538	10,750	10,115	9,879	9,571	9,809	2
	Parental responsibilities & rights	1,276	1,416	1,596	1,542	1,638	1,634	0
	Interdict	93	134	140	137	166	146	-12
	Aliment	55	46	50	64	32	54	69
	Exclusion order	11	4	8	6	6	8	33
	Nullity of marriage / civil partnership	0	0	2	2	0	1	n/a
	Other	177	198	216	234	210	228	9
	<b>Total disposed</b>	<b>13,150</b>	<b>12,548</b>	<b>12,127</b>	<b>11,864</b>	<b>11,623</b>	<b>11,880</b>	<b>2</b>

1. For family-related summary application cases, see Table 8.
2. Figures for initiations and disposals do not necessarily refer to the same cases.
3. Includes Court of Session and sheriff court.
4. Statistics for 2013-14 corrected November 2015.

**Table 6: Family procedure cases initiated and disposed of in the Court of Session, by case type 2013-14**

Case type	Initiated	Disposed	Disposed							
			Absolvitor	Dismissed		For pursuer		Expenses only		Other
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
<b>Aliment</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Divorce / dissolution</b>	<b>95</b>	<b>98</b>	<b>1</b>	<b>7</b>	<b>3</b>	<b>6</b>	<b>73</b>	<b>0</b>	<b>0</b>	<b>8</b>
<i>Ordinary divorce</i>	35	31	1	6	0	6	10	0	0	8
<i>Simplified divorce</i>	57	63	0	1	3	0	59	0	0	0
<i>Ordinary dissolution</i>	0	0	0	0	0	0	0	0	0	0
<i>Simplified dissolution</i>	3	4	0	0	0	0	4	0	0	0
<b>Exclusion order<sup>2</sup></b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Nullity of marriage / civil partnership</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Parental responsibilities &amp; rights</b>	<b>5</b>	<b>8</b>	<b>0</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<i>Contact</i>	1	1	0	0	0	1	0	0	0	0
<i>Residence</i>	2	5	0	2	2	1	0	0	0	0
<i>Other</i>	2	2	0	2	0	0	0	0	0	0
<b>Other</b>	<b>9</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>109</b>	<b>111</b>	<b>1</b>	<b>13</b>	<b>5</b>	<b>8</b>	<b>75</b>	<b>0</b>	<b>0</b>	<b>9</b>

1. Figures for initiations and disposals do not necessarily refer to the same cases.
2. Exclusion orders which suspend the right of a spouse, civil partner or cohabitant to occupy the family home.
3. Statistics corrected November 2015.

**Figure 9: Family cases initiated in the civil courts, 2013-14**

### Court of session

Only a small proportion of family cases are heard in the Court of Session. In 2013-14 there were 109 family cases initiated there which represented three per cent of cases in the General Department of that court. Divorce and dissolution account for 87 per cent of family cases initiated in the Court of Session (Table 6).

### Sheriff court

There were 13,744 ordinary cause family procedure cases initiated in the sheriff courts during 2013-14, very similar to the number initiated in 2012-13. The majority were divorce and dissolution which made up 76 per cent of initiated family cases. Most of the disposed divorce and dissolution cases were found in favour of the pursuer and 96 per cent were undefended (Table 7). Further information on divorce and dissolutions can be found later in this chapter.

The majority of the remaining family cases initiated in 2013-14 related to parental responsibilities and rights. Within this category, the 1,153 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 in 2013-14 compared to those initiated (1,626 disposed and 2,474 initiated). One possible reason for this is that these cases can be sisted (suspended), whilst sheriffs seek further information, and parties can resolve their issues outside court during this time. These cases are not then brought back to court for disposal (Table 7).

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 the court business relating to children's hearings reported in Table 8. 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 years. The statistics for the category 'Children's Hearing Act 2011 – Other' are new and have no direct equivalent in previous bulletins.

The large majority (93 per cent) of applications to extend/vary an interim order were granted. Similarly, most children's hearing - referral applications were granted and established the grounds for referral with the case being referred back to the Children's Hearing to dispose of the case (Table 8).

The number of adoption petitions has been relatively stable in recent years. In 2013-14 there were 481 cases initiated. In contrast, the number of applications initiated for permanence orders with authority to adopt has been steadily rising, and reached 306 in 2013-14. The disposals of adoption petitions and permanence orders with authority to adopt show a similar pattern with nearly all these applications being granted (96 per cent and 94 per cent respectively) (Table 8).

Table 7: Family procedure cases initiated and disposed of in the sheriff courts, by case type 2013-14

Case type	Initiated	Disposed	Disposed							Other
			Absolutor	Dismissed		For pursuer		Expenses only		
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
<b>Aliment</b>	<b>77</b>	<b>52</b>	<b>1</b>	<b>24</b>	<b>1</b>	<b>15</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>3</b>
<b>Divorce / dissolution</b>	<b>10,478</b>	<b>9,711</b>	<b>0</b>	<b>47</b>	<b>296</b>	<b>350</b>	<b>8,993</b>	<b>3</b>	<b>0</b>	<b>22</b>
<i>Ordinary divorce</i>	4,206	3,462	0	41	17	350	3,031	3	0	20
<i>Simplified divorce</i>	6,211	6,174	0	6	276	0	5,890	0	0	2
<i>Ordinary dissolution</i>	8	6	0	0	0	0	6	0	0	0
<i>Simplified dissolution</i>	53	69	0	0	3	0	66	0	0	0
<b>Exclusion order<sup>2</sup></b>	<b>16</b>	<b>8</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Interdict</b>	<b>352</b>	<b>146</b>	<b>2</b>	<b>41</b>	<b>28</b>	<b>20</b>	<b>47</b>	<b>0</b>	<b>0</b>	<b>8</b>
<b>Parental responsibilities &amp; rights</b>	<b>2,474</b>	<b>1,626</b>	<b>2</b>	<b>442</b>	<b>72</b>	<b>501</b>	<b>465</b>	<b>9</b>	<b>1</b>	<b>134</b>
<i>Contact</i>	1,153	650	1	286	40	226	49	7	0	41
<i>Residence</i>	720	482	0	50	18	164	194	2	0	54
<i>Other</i>	601	494	1	106	14	111	222	0	1	39
<b>Other</b>	<b>347</b>	<b>226</b>	<b>14</b>	<b>57</b>	<b>18</b>	<b>37</b>	<b>88</b>	<b>1</b>	<b>0</b>	<b>11</b>
<b>Total</b>	<b>13,744</b>	<b>11,769</b>	<b>19</b>	<b>612</b>	<b>416</b>	<b>925</b>	<b>9,603</b>	<b>14</b>	<b>1</b>	<b>179</b>

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

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

**Table 8: Family-related summary application cases initiated and disposed of by case type and final disposal, 2013-14**

Case type	Initiated	Disposed	Disposed					
			Granted	Dismissed	Refused	Dropped from roll	Withdrawn	Other
Adoption Petitions <sup>3</sup>	481	429	412	3	6	0	5	3
Extend/vary interim order <sup>4</sup>	2,294	1,620	1,499	27	12	50	20	12
Children's hearings – appeal <sup>4</sup>	1,142	881	319	117	214	110	38	83
Children's hearings – referral <sup>4</sup>	2,990	2,343	1,727	114	10	94	17	381
Children's Hearings Act 2011 - Other <sup>5</sup>	799	422	370	14	27	0	5	6
Permanence orders with authority to adopt	306	223	210	5	2	0	6	0

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

2. The number of summary application cases disposed of is likely an underestimate. For more information see Civil Justice Statistics in Scotland 2013-14 section on Important notes on the use of civil justice statistics.

3. Adoption petitions include both family adoptions and adoptions from care. Statistics on adoptions from care are available from Children's Social Work Statistics additional tables (see [www.gov.scot/Topics/Statistics/Browse/Children/PubChildrenSocialWork](http://www.gov.scot/Topics/Statistics/Browse/Children/PubChildrenSocialWork))

4. These case types represent equivalent actions from the Children (Scotland) Act 1995 and the Children's Hearings (Scotland) Act 2011. For more information see Civil Justice Statistics in Scotland 2013-14 section on Recent changes to civil legislation.

5. 'Other' includes Child Protection Order, Child Assessment Order as well as a range of miscellaneous cases.

## Divorce and Dissolution of a Civil Partnership

Divorce is the formal procedure that ends a marriage whilst the procedure for ending same-sex 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. Divorce cases may be taken to the Court of Session if the issues that have to be resolved are complicated or the value of the assets to be divided is high.

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 partner 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 another<sup>6</sup>. If a divorcing couple cannot agree about the grounds for the divorce, or issues about the children, money or property the divorce application will go to court as a defended case.

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

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<sup>6</sup> For more detailed information on the simplified divorce procedure see the [Scottish Courts and Tribunals Service website](#).

partnerships registered in Scotland 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 within the Civil Justice Statistics in Scotland bulletin series.

The divorce and dissolution statistics from Table 9 and Table 10 are derived from different Scottish Courts and Tribunals Service data to the other statistics in this bulletin. See the section on Divorce and dissolution data sources for more information.

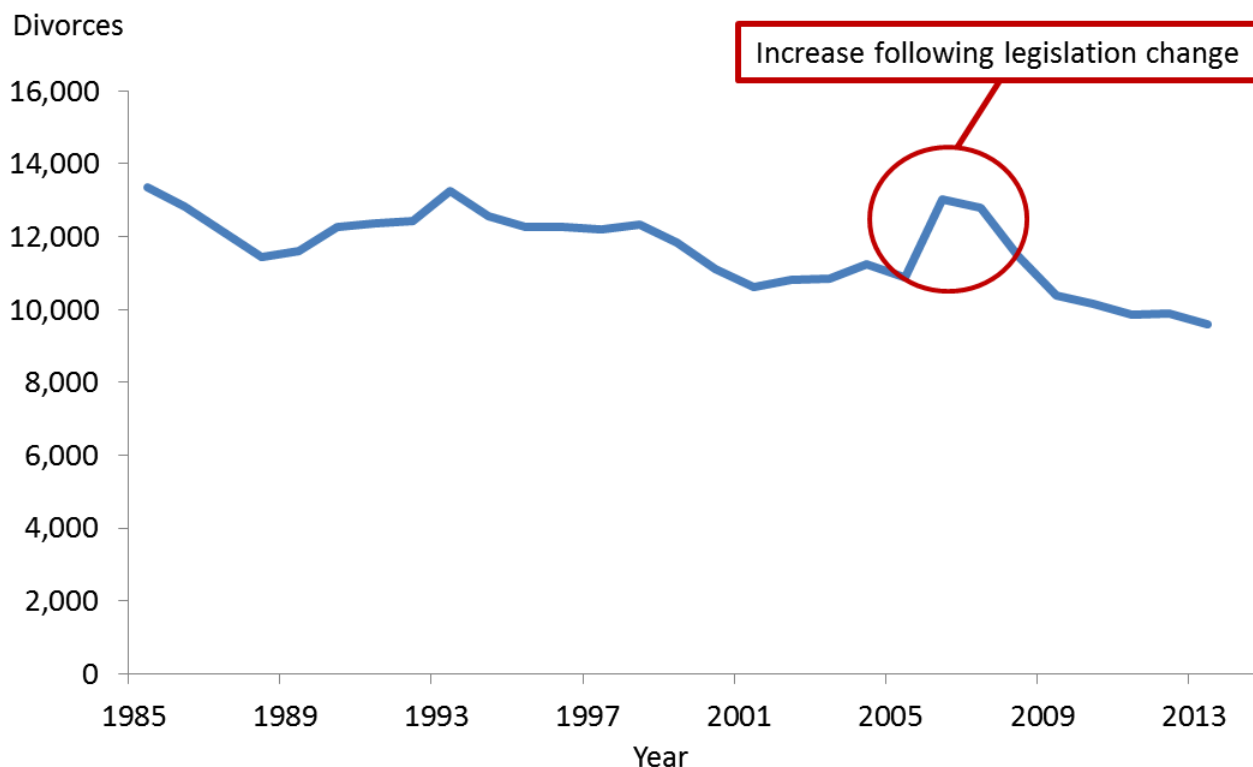
Further statistics, broken down by characteristics such as age at marriage/partnership, age at divorce/dissolution, duration and form of marriage/partnership, are available on the [Civil Justice Statistics in Scotland website](#) within the Divorce & Dissolutions supplementary tables.

The number of divorces has seen a downward trend with a slow decline from around 13,300 in 1985 to 9,619 in 2013-14. The main exception to this trend was the 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](#) (Figure 10).

The total number of divorces **granted** in Scotland in 2013-14 was 9,619, one per cent less than in 2012-13 (9,691). In 2013-14, 61 per cent of divorces granted used the simplified procedure (59 per cent in 2012-13) and 39 per cent used the ordinary procedure (41 per cent in 2012-13) (Table 9).

There were 61 civil partnership dissolutions **granted** in 2013-14, down from 67 in 2012-13. The vast majority of dissolutions granted in 2012-13 (94 per cent) and 2013-14 (89 per cent) used the simplified procedure (Table 10).



**Figure 10: Downward trend of divorces since 1985****Table 9: Divorces granted in the civil courts by procedure, 2010-11 to 2013-14**

Year	Court	Ordinary	Simplified	Total
<b>2013-14</b>	Court of Session	27	52	79
	Sheriff Court	3,686	5,854	9,540
	<b>Total</b>	<b>3,713</b>	<b>5,906</b>	<b>9,619</b>
<b>2012-13</b>	Court of Session	33	73	106
	Sheriff Court	3,937	5,648	9,585
	<b>Total</b>	<b>3,970</b>	<b>5,721</b>	<b>9,691</b>
<b>2011-12</b>	Court of Session	23	75	98
	Sheriff Court	4,032	5,749	9,781
	<b>Total</b>	<b>4,055</b>	<b>5,824</b>	<b>9,879</b>

1. The statistics in this table and Table 10 do not equal the total number of disposals for divorce and dissolution shown in Table 6 and Table 7. This is because the statistics in Table 6 and Table 7 include all disposals of divorce/dissolution cases whereas this table and Table 10 only include divorces and dissolutions that were actually granted. In addition the statistics in this table and Table 10 were derived from a different data extract. See section on Divorce and dissolution data sources.

**Table 10: Dissolutions granted in the civil courts by procedure, 2010-11 to 2013-14**

<b>Year</b>	<b>Court</b>	<b>Ordinary</b>	<b>Simplified</b>	<b>Total</b>
<b>2013-14</b>	Court of Session	0	3	3
	Sheriff Court	7	51	58
	<b>Total</b>	<b>7</b>	<b>54</b>	<b>61</b>
<b>2012-13</b>	Court of Session	0	3	3
	Sheriff Court	4	60	64
	<b>Total</b>	<b>4</b>	<b>63</b>	<b>67</b>
<b>2011-12</b>	Court of Session	0	3	3
	Sheriff Court	3	40	43
	<b>Total</b>	<b>3</b>	<b>43</b>	<b>46</b>

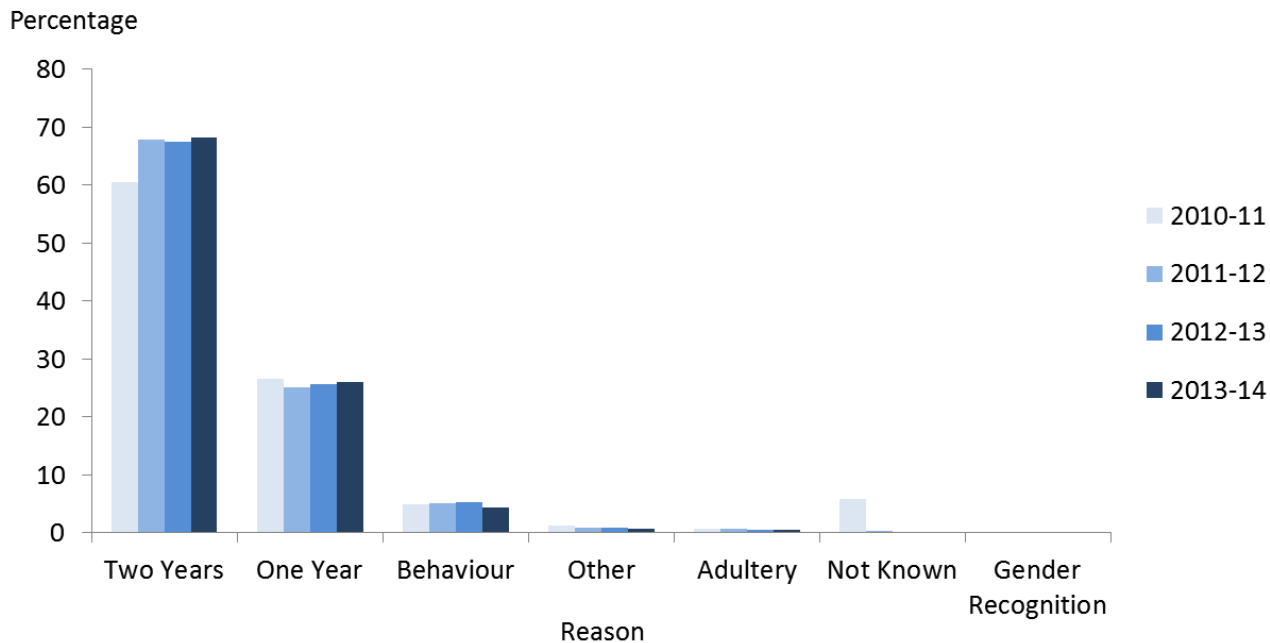
1. The statistics in this table and Table 9 do not equal the total number of disposals for divorce and dissolution shown in Table 6 and Table 7. This is because the statistics in Table 6 and Table 7 include all disposals of divorce/dissolution cases whereas this table and Table 9 only include divorces and dissolutions that were actually granted. In addition the statistics in this table and Table 9 were derived from a different data extract. See section on Divorce and dissolution data sources.

Figure 11 and Figure 12 show the proportion of divorces and dissolutions that were granted from 2010-11 to 2013-14 by reason for divorce/dissolution<sup>7</sup>. Non-cohabitation for two years (68 per cent in 2013-14) and non-cohabitation for one year with consent (26 per cent in 2013-14) were the two most common reasons for divorce. The reasons for divorce have not changed a great deal since 2010-11.

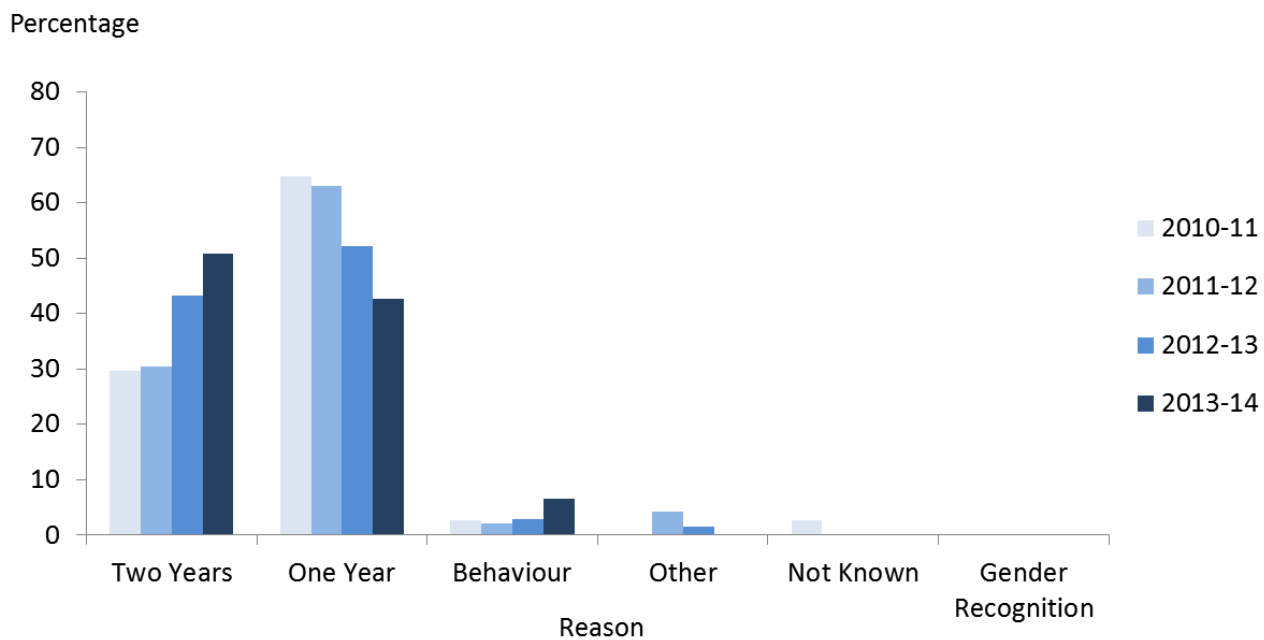
Non-cohabitation for two years was the most common reason for dissolution in 2013-14, accounting for 51 per cent (up from 30 per cent in 2010-11). Non-cohabitation for one year was the next most common reason for dissolution, accounting for 43 per cent of dissolutions in 2013-14 (down from 65 per cent in 2010-11). The pattern of reasons for dissolution has been changing since 2010-11 and now looks more similar to that seen for divorce.

<sup>7</sup> These proportions are obtained via the individual level divorce data as described above.

**Figure 11: Divorces granted by reason, 2010-11 to 2013-14**



**Figure 12: Dissolutions granted by reason, 2010-11 to 2013-14**



## 6. Debt

Debt cases have nearly halved since 2008-09

Over three-quarters of debt cases were small claims

Less than one in ten debt cases were defended

### Scottish Crime and Justice Survey

Three per cent of respondents to the 2012-13 Scottish Crime and Justice Survey reported having money and debt problems. The highest prevalence of money and debt issues was in the 25 to 44 age group, with five per cent reporting a problem. Owner-occupiers had the lowest prevalence of money and debt issues (two per cent), in contrast to social renters and those in private rented accommodation (both six per cent). Those who live in areas of multiple deprivation were also more likely to report an issue related to money and debt (five per cent) than the rest (three per cent). The prevalence of money and debt problems was the same for both urban and rural dwellers (three per cent).

### Courts

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 or 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](#).

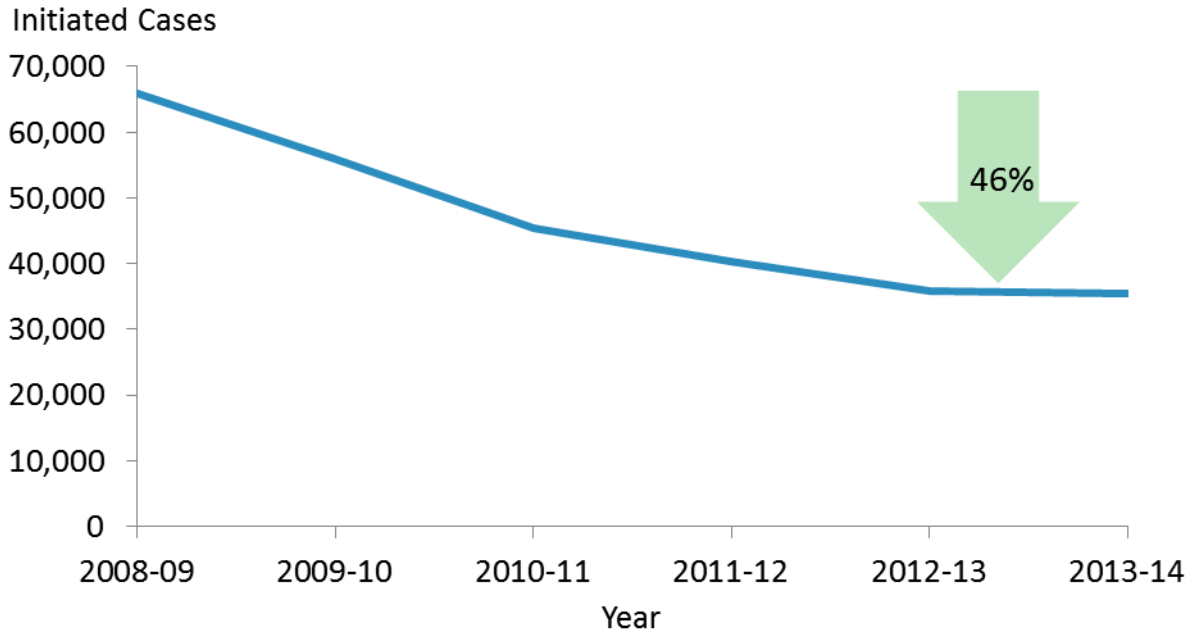
Only where a debt involves a very complex legal dispute or is high value is it likely to be raised in the Court of Session and just three cases were initiated in the Court of Session in 2013-14. Debt cases in the sheriff court can be raised as small claim, summary cause or ordinary cause cases depending on the value of the case. Ordinary cause cases may use either the ordinary or commercial procedure.

There were 35,390 debt cases initiated across the sheriff courts and Court of Session in 2013-14. This was similar to the number initiated in 2012-13 but 46 per cent lower than the 65,798 cases initiated in 2008-09 (Figure 13 and Table 11). One possible reason for this is the economic downturn which has led creditors to feel there is little to gain from pursuing a court action where there little chance of recovering what is owed.

Over three quarters (78 per cent) of debt cases initiated in 2013-14 were small claim. Ordinary cause - ordinary procedure and summary cause cases made up most of the rest of the cases and ordinary cause - commercial procedure cases accounted for less than one per cent of initiated debt cases.

Across all debt case types five per cent were defended (excluding absolutor disposals). Sixty two per cent of debt cases were disposed in favour of the pursuer (Table 12).

**Figure 13: Debt cases in the civil courts**



**Table 11: Debt cases initiated and disposed of in the civil courts, by case type, 2008-09 to 2013-14**

<b>Cases</b>	<b>Procedure</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>% change on 2012-13</b>
<b>Initiated</b>	Court of Session	23	1	4	8	6	5	-17
	Sheriff: ordinary cause	14,669	12,054	9,200	6,944	5,487	4,586	-16
	Sheriff commercial	400	318	223	266	222	241	9
	Sheriff: summary cause	7,157	5,307	4,415	3,922	3,381	3,114	-8
	Sheriff: small claim	43,549	38,251	31,533	29,110	26,803	27,444	2
	<b>Total initiated</b>	<b>65,798</b>	<b>55,931</b>	<b>45,375</b>	<b>40,250</b>	<b>35,899</b>	<b>35,390</b>	<b>-1</b>
<b>Disposed</b>	Court of Session	28	16	2	2	2	6	200
	Sheriff: ordinary cause	12,553	10,150	7,729	5,885	4,534	3,566	-21
	Sheriff: commercial	252	231	166	175	117	143	22
	Sheriff: summary cause	7,097	5,772	4,337	3,884	3,324	2,906	-13
	Sheriff: small claim	38,594	40,347	31,026	28,934	26,023	25,876	-1
	<b>Total disposed</b>	<b>58,524</b>	<b>56,516</b>	<b>43,260</b>	<b>38,880</b>	<b>34,000</b>	<b>32,497</b>	<b>-4</b>

1. Figures for initiations and disposals do not necessarily refer to the same cases.
2. Court of Session statistics for 2013-14 corrected November 2015.

**Table 12: Debt cases initiated and disposed of in the civil courts, by case type and final disposal, 2013-14**

Case type	Initiated	Disposed	Disposed							
			Absolutor	Dismissed		For pursuer		Expenses only		Other
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Court of Session	5	6	6	0	0	0	0	0	0	0
Sheriff: ordinary cause	4,586	3,566	436	155	325	314	2,269	25	6	36
Sheriff: commercial	241	143	51	3	6	13	67	2	0	1
Sheriff: summary cause	3,114	2,906	150	81	798	66	1,763	5	14	29
Sheriff: small claim	27,444	25,876	545	625	8,341	307	15,383	35	469	171
<b>Total</b>	<b>35,390</b>	<b>32,497</b>	<b>1,188</b>	<b>864</b>	<b>9,470</b>	<b>700</b>	<b>19,482</b>	<b>67</b>	<b>489</b>	<b>237</b>

1. Figures for initiations and disposals do not necessarily refer to the same cases.
2. Court of Session statistics corrected November 2015.

## 7. Personal injury

Nearly a third of personal injury cases were raised in the Court of Session where they made up over three quarters 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

A personal injury can be physical and/or psychological and may result from a wide range of causes including an injury received at work, a traffic accident or through negligence 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 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.

Personal injury cases are actions of damages for, or arising from, personal injuries or the death of a person from personal injuries, which include disease or impairment, physical or mental. 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 chapter of this bulletin.

### Scottish Crime and Justice Survey

In the 2012-13 Scottish Crime and Justice Survey, one per cent of those who responded to the civil module reported experiencing a personal injury problem and one per cent reported experiencing a medical negligence issue in the last three years.

### Courts

Personal injury actions over £5,000 may be raised in either the Court of Session or the sheriff courts, however the exclusive competence of the sheriff courts is set to rise to £100,000 on 22 September 2015. Currently, the majority of personal injury cases are raised in the sheriff courts but they also account for a considerable proportion of the cases in the Court of Session. Cases heard in the Sheriff Personal Injury Court, which will be established on 22 September 2015, will be heard by specialist personal injury sheriffs. The Financial Memorandum for the Courts Reform (Scotland) Bill judged that the majority of personal injury cases that can no longer be raised in the Court of Session after the exclusive competence is increased will instead be raised in the Sheriff Personal Injury Court, although they may also be raised in local sheriff courts.

Personal injury actions with a value of £5,000 or less are raised in the sheriff courts using Summary Cause procedure. In 2013-14, personal injury actions were split

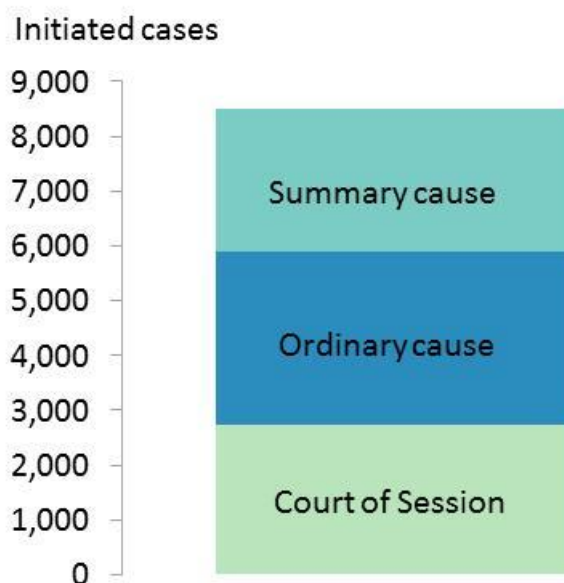


roughly equally between Court of Session, sheriff court Ordinary procedure and sheriff court Summary Cause procedure (Figure 14).

The number of personal injury cases has fluctuated considerably in past years, particularly between 2008-09 and 2011-12. The 8,388 personal injury cases initiated in 2013-14 was four per cent lower than 2012-13. As in every year since 2008-09, cases resulting from a road traffic accident made up the greatest proportion of personal injury case initiations. The fluctuation of road traffic accident related cases is in contrast to the downward trend in the number of reported road traffic accident casualties over the same period<sup>8</sup>. The second biggest category of personal injury cases was accident at work (Table 13).

The number of asbestos related personal injury cases initiated more than doubled between 2008-09 and 2009-10 but has decreased since then. The higher level 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 etc. to raise a court case for personal injury (Table 13).

**Figure 14: Personal injury case types, 2013-14**



<sup>8</sup> See [Key Reported Road Casualties Scotland 2014, Transport Scotland](#)

**Table 13: Personal injury cases initiated and disposed of in the civil courts, by case type, 2008-09 to 2013-14**

<b>Cases</b>	<b>Case type</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>% change on 2012-13</b>
<b>Initiated</b>	Road traffic accident	3,441	4,637	5,790	4,614	5,106	4,770	-7
	Accident at work	1,921	1,844	1,802	1,751	1,758	1,797	2
	Clinical negligence	173	235	242	256	235	363	54
	Asbestos	242	541	345	294	436	320	-27
	Other	1,211	2,559	955	931	1,190	1,138	-4
	<b>Total initiated</b>	<b>6,988</b>	<b>9,816</b>	<b>9,134</b>	<b>7,846</b>	<b>8,725</b>	<b>8,388</b>	<b>-4</b>
<b>Disposed</b>	Road traffic accident	1,588	2,977	4,607	4,619	4,130	3,893	-6
	Accident at work	1,343	1,596	1,529	1,627	1,570	1,653	5
	Clinical negligence	32	104	124	133	154	178	16
	Asbestos	214	181	168	216	365	598	64
	Other	2,193	1,343	1,074	1,775	1,444	1,079	-25
	<b>Total disposed</b>	<b>5,370</b>	<b>6,201</b>	<b>7,502</b>	<b>8,370</b>	<b>7,663</b>	<b>7,401</b>	<b>-3</b>

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

2. Includes Court of Session and sheriff court.

3. Statistics for 2013-14 corrected November 2015.

**Table 14: Personal injury cases initiated and disposed of in the Court of Session, 2013-14**

Case type	Initiated	Disposed	Disposed							
			Absolutor	Dismissed		For pursuer		Expenses only		Other
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
<b>Accident at work</b>	<b>910</b>	<b>945</b>	<b>674</b>	<b>3</b>	<b>1</b>	<b>238</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>20</b>
<b>Road traffic accident</b>	<b>755</b>	<b>867</b>	<b>561</b>	<b>1</b>	<b>1</b>	<b>268</b>	<b>12</b>	<b>3</b>	<b>0</b>	<b>21</b>
<b>Asbestos</b>	<b>308</b>	<b>582</b>	<b>489</b>	<b>3</b>	<b>0</b>	<b>73</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>13</b>
<i>Live mesothelioma</i>	24	27	23	0	0	2	0	1	0	1
<i>Post mesothelioma</i>	33	53	41	0	0	11	0	0	0	1
<i>Pleural plaques</i>	127	363	322	0	0	35	1	1	0	4
<i>Pleural thickening</i>	26	22	15	0	0	6	1	0	0	0
<i>Other</i>	98	117	88	3	0	19	0	0	0	7
<b>Clinical negligence</b>	<b>269</b>	<b>117</b>	<b>93</b>	<b>9</b>	<b>0</b>	<b>13</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>1</b>
<b>Vibration white finger</b>	<b>35</b>	<b>51</b>	<b>32</b>	<b>0</b>	<b>0</b>	<b>16</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>
<b>Relative's claim</b>	<b>9</b>	<b>9</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Repetitive strain injury</b>	<b>9</b>	<b>9</b>	<b>7</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Other</b>	<b>328</b>	<b>388</b>	<b>263</b>	<b>9</b>	<b>2</b>	<b>95</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>12</b>
<b>Total</b>	<b>2,623</b>	<b>2,968</b>	<b>2,127</b>	<b>26</b>	<b>4</b>	<b>705</b>	<b>31</b>	<b>6</b>	<b>0</b>	<b>69</b>

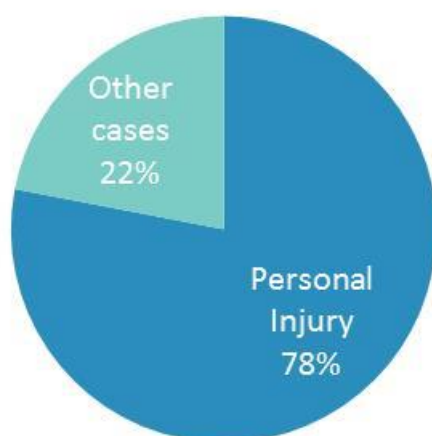
1. Personal injury cases are raised under a specific court procedure. Either party can request permission from the court to opt out of this procedure and use the ordinary procedure.

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

3. Statistics corrected November 2015.

There were 2,623 personal injury cases initiated at the Court of Session in 2013-14. This is nearly a third of all personal injury cases and they make up 78 per cent of the cases raised in the General Department of the Court of Session (Figure 15). Accident at work cases were the biggest category, followed by road traffic accident. Across all categories of personal injury cases in the Court of Session, absolvitor was the most common disposal accounting for nearly three-quarters of all cases disposed. Absolvitor means the pursuer is prevented from bringing the same matter to court again but in at least some of these cases the parties involved would have come to an out-of-court settlement (Table 14).

**Figure 15: Civil law cases initiated in the General Department of the Court of Session, 2013-14**



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.

Personal injury cases were initiated in the sheriff courts as either ordinary cause (3,159) or summary cause (2,606). The pattern of initiations and disposals for ordinary and summary cause cases was very similar. Most cases relate to road traffic accident or accident at work and for summary cause cases in particular there were few cases from other categories. As with personal injury cases in the Court of Session, absolvitor is the most common disposal (Table 15 and Table 16).

**Table 15: Ordinary cause personal injury cases initiated and disposed of in the sheriff courts, 2013-14**

Case type	Initiated	Disposed	Disposed							Other
			Absolutor	Dismissed		For pursuer		Expenses only		
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Road traffic accident	2,049	1,484	598	16	6	754	82	16	2	10
Accident at work	498	417	245	9	5	126	20	5	2	5
Clinical negligence	90	59	37	12	0	7	0	1	1	1
Asbestos	12	16	11	0	0	1	1	0	0	3
Relative's claim	9	6	4	0	0	1	1	0	0	0
Vibration white finger	4	0	0	0	0	0	0	0	0	0
Repetitive strain injury	1	2	1	0	0	1	0	0	0	0
Other	496	446	281	22	10	101	22	6	0	4
<b>Total</b>	<b>3,159</b>	<b>2,430</b>	<b>1,177</b>	<b>59</b>	<b>21</b>	<b>991</b>	<b>126</b>	<b>28</b>	<b>5</b>	<b>23</b>

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.

**Table 16: Summary cause personal injury cases initiated and disposed of in the sheriff courts, 2013-14**

Case type	Initiated	Disposed	Disposed							
			Absolvitor	Dismissed		For pursuer		Expenses only		Other
				Defended	Undeferred	Defended	Undeferred	Defended	Undeferred	
Road traffic accident	1,966	1,542	680	62	398	121	234	16	5	26
Accident at work	389	291	143	10	55	25	48	3	1	6
Clinical negligence	4	2	1	0	0	0	1	0	0	0
Relative's claim	3	6	3	1	1	1	0	0	0	0
Vibration white finger	3	2	1	0	0	0	1	0	0	0
Repetitive strain injury	1	0	0	0	0	0	0	0	0	0
Other	240	160	95	4	19	9	28	2	0	3
<b>Total</b>	<b>2,606</b>	<b>2,003</b>	<b>923</b>	<b>77</b>	<b>473</b>	<b>156</b>	<b>312</b>	<b>21</b>	<b>6</b>	<b>35</b>

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

## 8. Damages

The number of damages cases initiated dropped for the fourth year in succession

Small claims made up nearly 60 per cent of damages cases in 2013-14

Three-quarters of damages cases disposed in the Court of Session had a decree of absolvitor

### Damages in Scotland

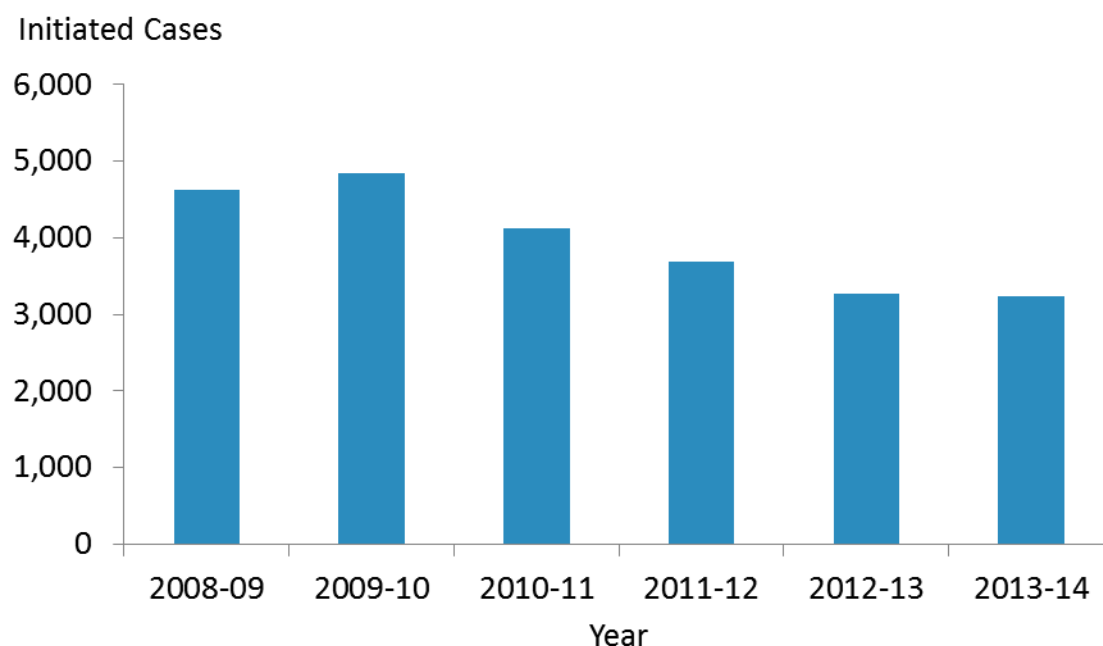
Damages are a legal remedy that an individual can seek as compensation for harmful action they have experienced through the fault of another party. This can include (but is not limited to): defamation, breach of contract, damage to moveable property, negligence, breach of warranty or guarantee, breach of trust, wrongful diligence, wrongful interdict, malicious prosecution, wrongful apprehension or false imprisonment or fraudulent representation.

### Courts

There were 3,195 damages cases initiated in 2013-14. This was the fourth successive year of decrease and represents a drop of a third since the peak in 2009-10 (Figure 16). Most damages cases (59 per cent) were raised as small claims. Despite the overall decrease in damages cases, there were increases in the number of commercial procedure, summary cause and Court of Session cases (Table 17).

Nearly half of small claim damages cases disposed were dismissed. The pattern of disposals for other damages cases was different, with absolvitor the most common disposal, particularly for cases in the Court of Session (Table 18).

**Figure 16: Damages cases initiated in the civil courts**



**Table 17: Damages cases initiated and disposed of in the civil courts, by case type, 2008-09 to 2013-14**

<b>Cases</b>	<b>Procedure</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>% change on 2012-13</b>
<b>Initiated</b>	Court of Session <sup>2</sup>	337	527	299	304	357	369	3
	Sheriff: ordinary cause	738	791	630	491	496	447	-10
	Sheriff: commercial	38	54	163	37	34	51	50
	Sheriff: summary cause	434	561	453	488	382	441	15
	Sheriff: small claim	3,080	2,918	2,586	2,364	2,009	1,887	-6
	<b>Total initiated</b>	<b>4,627</b>	<b>4,851</b>	<b>4,131</b>	<b>3,684</b>	<b>3,278</b>	<b>3,195</b>	<b>-3</b>
<b>Disposed</b>	Court of Session <sup>2</sup>	206	198	292	291	298	359	20
	Sheriff: ordinary cause	1,415	666	595	675	623	435	-30
	Sheriff: commercial	29	26	18	30	8	16	100
	Sheriff: summary cause	410	450	457	452	383	340	-11
	Sheriff: small claim	2,409	2,710	2,397	2,149	1,982	1,758	-11
	<b>Total disposed</b>	<b>4,469</b>	<b>4,050</b>	<b>3,759</b>	<b>3,597</b>	<b>3,294</b>	<b>2,908</b>	<b>-12</b>

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

2. Includes ordinary and commercial cases.

3. Court of Session statistics for 2013-14 corrected November 2015.



Table 18: Damages cases initiated and disposed of in the civil courts, by case type and final disposal, 2013-14

Court type	Case type	Initiated	Disposed	Disposed							
				Absolutor	Dismissed		For Pursuer		Expenses Only		Other
					Defended	Undefended	Defended	Undefended	Defended	Undefended	
Court of Session	Ordinary	295	233	168	4	3	42	9	1	0	6
	Commercial	74	126	106	4	0	10	2	4	0	0
	<b>Court of Session total</b>	<b>369</b>	<b>359</b>	<b>274</b>	<b>8</b>	<b>3</b>	<b>52</b>	<b>11</b>	<b>5</b>	<b>0</b>	<b>6</b>
Sheriff courts	Small claim	1,887	1,758	533	57	787	31	320	4	18	8
	Ordinary cause	447	435	262	29	14	70	47	3	2	8
	Summary cause	441	340	134	13	105	16	61	1	2	8
	Commercial	51	16	12	1	0	0	3	0	0	0
	<b>Sheriff courts total</b>	<b>2,826</b>	<b>2,549</b>	<b>941</b>	<b>100</b>	<b>906</b>	<b>117</b>	<b>431</b>	<b>8</b>	<b>22</b>	<b>24</b>
<b>Civil courts total</b>		<b>3,195</b>	<b>2,908</b>	<b>1,215</b>	<b>108</b>	<b>909</b>	<b>169</b>	<b>442</b>	<b>13</b>	<b>22</b>	<b>30</b>

1. Figures for initiations and disposals do not necessarily refer to the same cases.
2. Statistics for Court of Session corrected November 2015.

## 9. Repossession and eviction

There were 41 per cent fewer eviction cases initiated in 2013-14 compared to 2008-09

Repossession cases initiated lowest since 2008-09

Over three-quarters of repossession summary applications were granted

### Repossession and eviction in Scotland

Repossession cases involve the retaking of property, usually by a lender, when a borrower is in breach or default of a mortgage or loan secured on their property. Eviction cases involve the repossession of property by the owner from an occupier who is not the owner, usually a tenant who has accrued rent arrears. Detailed statistics on the eviction of local authority tenants are available from Scottish Government Housing statistics.

Repossession and eviction cases fall within the jurisdiction of the sheriff courts. Until recently, repossession cases relating to mortgages and loans were dealt with under ordinary cause - ordinary 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. Eviction cases are raised under summary cause procedure.

It is important to note that a disposal in favour of the pursuer for an eviction case means that the court has permitted the eviction process to proceed. This disposal does not mean that an eviction will necessarily take place. Similarly, the number of repossession cases granted is not the same as the number of repossessions that actually occur, as some repossession orders ultimately may not be enforced.

### Eviction in the courts

There were 11,778 eviction cases initiated in 2013-14. This was a rise of 12 per cent compared to 2012-13 but 41 per cent lower than 2008-09 (Table 19). Around two thirds of eviction cases initiated relate to local authority tenants. The management of rent arrears by some local authorities is likely to have contributed to the reduction in eviction cases coming to court since 2008-09. In addition measures to strengthen the protection for such tenants against eviction for rent arrears was introduced in the Housing (Scotland) Act 2010 and came into force on 1 August 2012. These measures may have contributed to a reduction in the number of local authority tenants evicted since 2012-13.

Just over half of eviction cases are found 'for pursuer', while 94 per cent of cases are undefended (Table 20).

**Table 19: Repossession and eviction cases initiated and disposed of in the sheriff courts, by case type and procedure, 2008-09 to 2013-14**

<b>Cases</b>	<b>Case type and procedure</b>	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>% change on 2012-13</b>
<b>Initiated</b>	Eviction (summary cause)	19,944	16,528	14,160	13,979	10,532	11,778	12
	Repossession	10,141	8,266	5,224	6,752	5,385	4,770	-11
	<i>Ordinary cause</i>	10,135	8,256	4,245	79	64	54	-16
	<i>Commercial</i>	0	6	4	0	0	1	n/a
	<i>Summary application</i>	6	4	975	6,673	5,321	4,715	-11
<b>Disposed</b>	Eviction (summary cause)	19,191	16,986	14,906	13,972	12,358	11,613	-6
	Repossession	7,182	6,486	5,573	4,243	4,093	3,460	-15
	<i>Ordinary cause</i>	7,181	6,476	5,083	253	90	74	-18
	<i>Commercial</i>	1	4	1	3	0	0	0
	<i>Summary application</i> <sup>2</sup>	0	6	489	3,987	4,003	3,386	-15

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. See Quality of the statistics.

**Table 20: Summary cause eviction cases initiated and disposed of in the sheriff courts and final disposal, 2013-14**

<b>Case Type</b>			<b>Disposed</b>							
			<b>Absolutor</b>	<b>Dismissed</b>		<b>For pursuer</b>		<b>Expenses only</b>		<b>Other</b>
	<b>Initiated</b>	<b>Disposed</b>	<b>Defended</b>	<b>Undefended</b>	<b>Defended</b>	<b>Undefended</b>	<b>Defended</b>	<b>Undefended</b>		
Eviction summary cause	<b>11,778</b>	<b>11,613</b>	12	288	3,687	255	5,818	57	1,400	96

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. See Quality of the statistics.

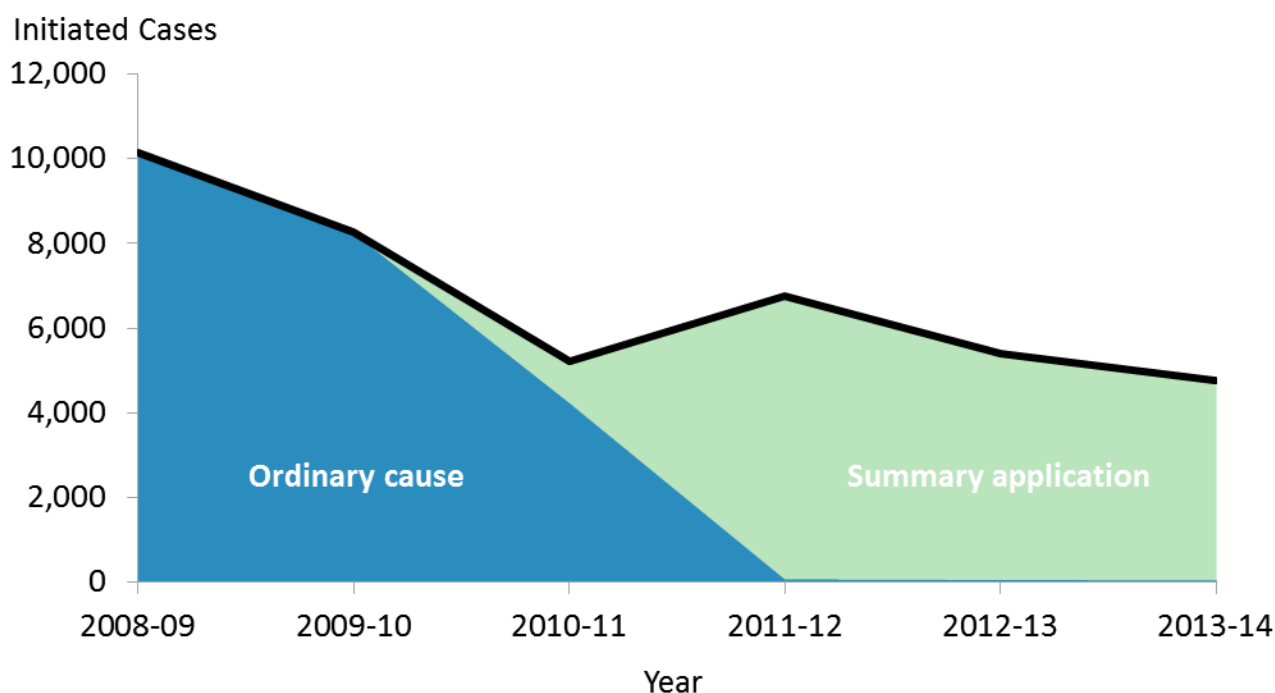
3. Includes cases disposed as refused, dropped from roll and withdrawn.

## Repossession in the courts

There were 4,770 repossession cases initiated in 2013-14. This represents an 11 per cent reduction compared to 2012-13 and is 53 per cent lower than the number initiated in 2008-09 (Figure 17). The procedures used to raise repossession cases have been influenced by a number of factors in recent years.

The [Home Owner and Debtor Protection \(Scotland\) Act 2010](#), introduced on 30 September 2010, stated that all new mortgage/loan repossession cases should be raised under summary application procedure instead of ordinary cause - ordinary procedure. This is the reason for the decrease in ordinary cause cases and the increase in summary applications since 2010-11. An additional factor affecting these statistics was the [UK Supreme Court judgment in the RBS v Wilson case](#) on 24 November 2010 which directed that all active mortgage-related repossession cases be withdrawn from the courts and resubmitted as summary applications following a two month waiting period. This resulted in only a small increase in repossession summary applications during 2010-11 followed by a greater increase during 2011-12 (Table 19).

**Figure 17: Repossession cases by procedure**



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.

Over three-quarters of repossession summary applications are granted (Table 21).

**Table 21: Summary application repossession cases initiated and disposed of in the sheriff courts, by case type and final disposal, 2013-14**

Case Type	Initiated	Disposed	Disposed		
			Granted	Dismissed	Other <sup>3</sup>
Repossession summary application	4,715	3,386	2,558	799	29

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. See Quality of the statistics.  
 3. Includes cases disposed as refused, dropped from roll and withdrawn.

## 10. 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 the key data and how best to capture and record this.

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 that caused inconsistencies in the way in which courts captured and recorded civil data. This meant that the statistics that were published were 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 data 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 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 between 2008-09 and 2012-13 have been assessed by the Scottish Government as being of sufficient quality to be published. However, when using the statistics, the following points should be considered.

The way in which the data are recorded means that 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 data.

The civil law statistics for 2013-14 can be compared with statistics for 2008-09 onward. However, 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 compared with earlier data.

### 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 identified 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 were not representative of all data collected by the SCTS. The number of ordinary cases marked incorrectly is hence likely to be smaller than a fifth.

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

A number of cases are sisted (suspended), either for a defined period or until the occurrence of a particular event. Again, these cases are not disposed of as they may be resumed in the future but the SCTS is investigating 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**

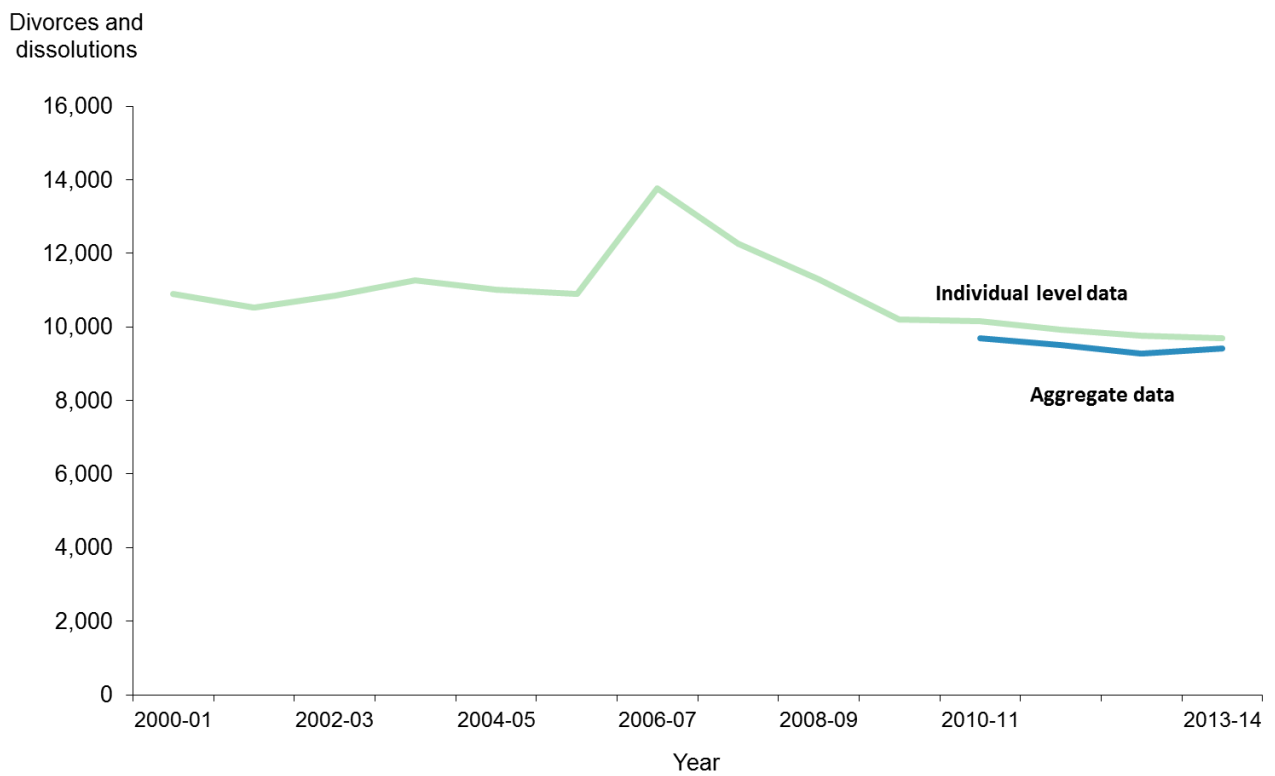
The 'other' category on the SCTS electronic case management system (CMS) includes a wide range of summary applications but some courts are recording activities under this case type which in future will not be recorded on CMS. These activities cannot be easily identified and excluded from the summary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

## **Divorce and dissolution data sources**

The divorce and dissolution statistics presented in Table 9 and Table 10 are derived from a different data source to the other statistics in this bulletin. Both data sources are based on information recorded by the Scottish Courts and Tribunals Service but there are differences in the timing and processing of the two extracts. These differences are small, as demonstrated by the comparison in Figure 18 of the total number of divorces and dissolutions from each source. The statistics in Table 9 and Table 10 and the supplementary tables on divorces and dissolutions 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 18: Total number of divorces and dissolutions from individual level and aggregate data**





# 11. 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.

**Debt**

Payment of money, excluding damages and personal injury.

**Decree Dative**

Appointment of a person to administer the estate of a deceased person.

**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.

**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. Children's hearings - appeal

**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 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 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 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 - mortgage / loan**

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.

### **Repossession - non-mortgage / loan**

Repossess a building or land which is being occupied by someone other than the owner, excluding mortgage / loan repossessions. The pursuer is the owner and it is often, but not always, used to remove tenants who have not paid their rent.

### **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**

### **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 for 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**

**Ancillary crave**

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

**Decree**

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

**Defender / respondent**

The person or body against whom a case is raised.

**Disposed**

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.

**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.



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e-mail: [statistics.enquiries@gov.scot](mailto:statistics.enquiries@gov.scot)

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The data collected for this statistical bulletin:

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- are available via background tables:  
[www.gov.scot/Topics/Statistics/Browse/Crime-Justice/Datasets/DatasetsCJS](http://www.gov.scot/Topics/Statistics/Browse/Crime-Justice/Datasets/DatasetsCJS).
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