

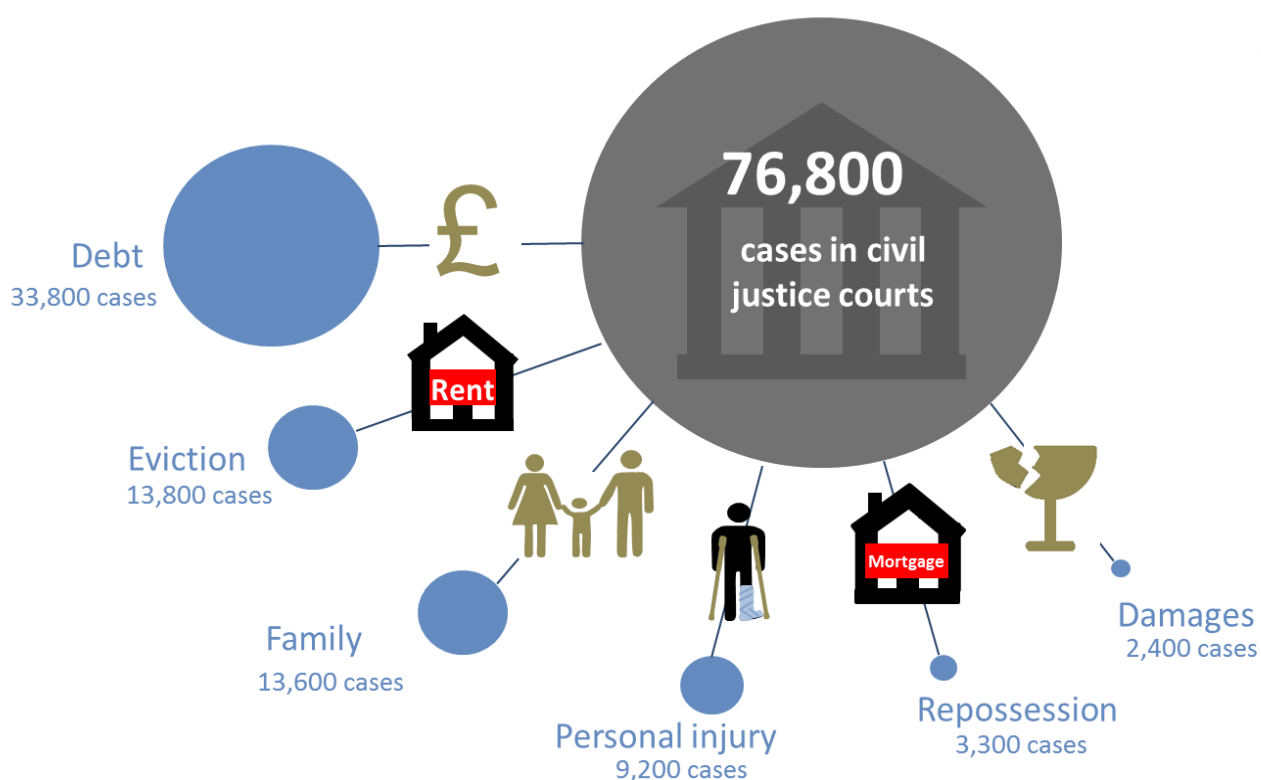
CRIME AND JUSTICE

Civil Justice Statistics in Scotland 2014-15

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



For the past three years there have been a **similar number of civil law court cases**. This contrasts with the **downward trend that was typical** of earlier years.

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1. Executive Summary

There were 76,769 **civil law cases initiated** across the Court of Session and sheriff courts in 2014-15 (not including summary applications). The number of cases initiated is at its **lowest since this series of statistics began**. This represents a decrease of 42 per cent since 2008-09. However, the number of cases initiated in 2014-15 was similar to the previous two years, **halting the downward trend** observed over the years prior to that. The reasons behind this decrease are not known but possible factors include increasing use of alternative methods of dispute resolution and concerns over costs for litigants should they lose the case.

Compared to the previous year, the number of **cases initiated in the Court of Session increased** by 13 per cent, while cases in the sheriff courts decreased by one per cent. Personal injury cases in the Court of Session rose by 20 per cent compared to 2013-14, largely because of a 224 per cent **rise in clinical negligence cases**. Compensation claims associated with mesh implants and breast implants may explain the rise in such cases. These statistics cover the period **before the introduction of the Courts Reform (Scotland) Act 2014**, which is expected to reduce the number of cases in the Court of Session.

The **number of family cases has been relatively stable** since 2008-09. Divorce / dissolution and parental responsibilities and rights are the biggest case types and together account for 95 per cent of family cases.

Debt cases made up 44 per cent of all civil court cases initiated in 2014-15. However, there were **5 per cent fewer debt** cases than in 2013-14 and 49 per cent fewer than in 2008-09.

Personal injury cases were 11 per cent higher than 2013-14 but historically the number of **personal injury cases has fluctuated considerably**. Cases resulting from a road traffic accident made up the greatest proportion of personal injury cases, accounting for 56 per cent in 2014-15.

Damages cases dropped by 26 per cent compared to the previous year. This continues the long-term trend of decreasing numbers of damages cases.

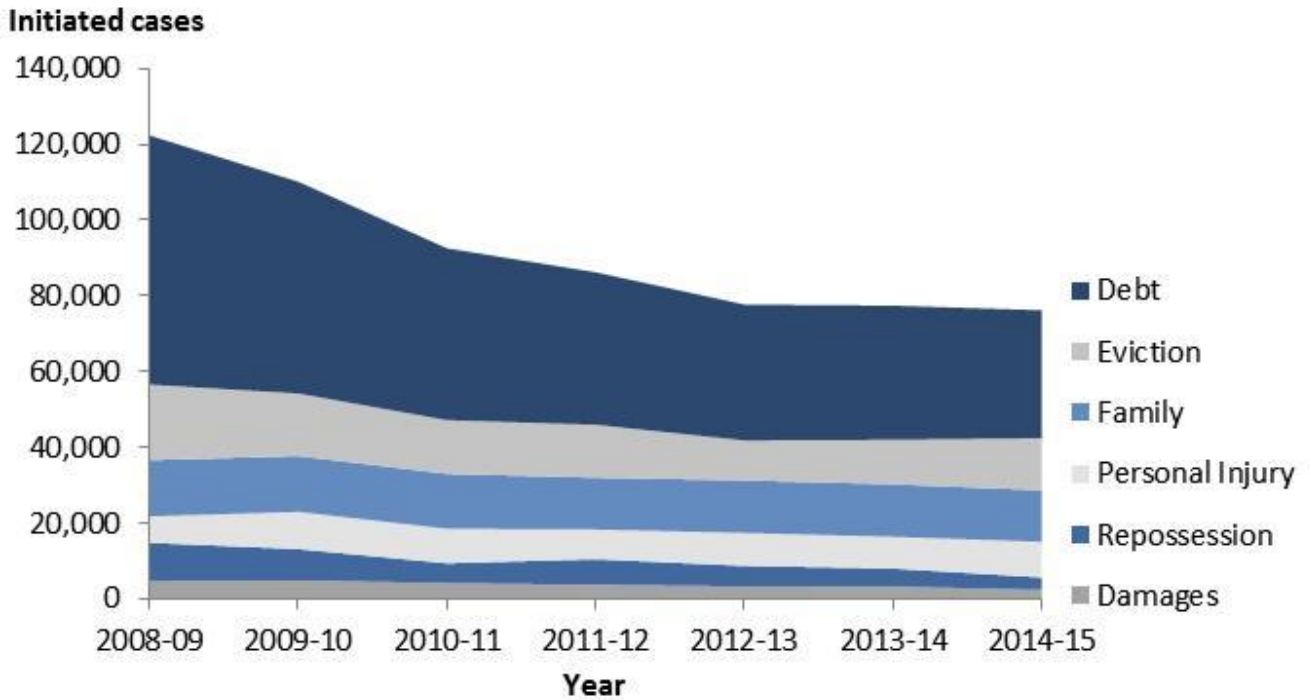
There was a 31 per cent **drop in cases of repossession** following a breach of a mortgage or loan secured on a property, compared to 2013-14. This is 68 per cent lower than the number of repossession cases in 2008-09.

Cases involving **eviction of tenants from a rented property rose** in 2014-15 for the second year in a row but are still 31 per cent lower than in 2008-09.

All sheriffdoms in Scotland have seen an overall drop in the number of cases initiated and disposed since 2008-09. Between 2013-14 and 2014-15, **Glasgow and Strathkelvin saw the biggest decrease** of 14 per cent in initiated cases. This is in comparison to small rises, year on year, in cases initiated in the Tayside, Central and Fife sheriffdom, South Strathclyde, Dumfries and Galloway and a larger 11 per cent **rise in Lothian and Borders**. During the latest period, the Tayside, Central and Fife sheriffdom recorded the highest number of sheriff court cases.

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

The number of all civil law case types have decreased since 2008-09

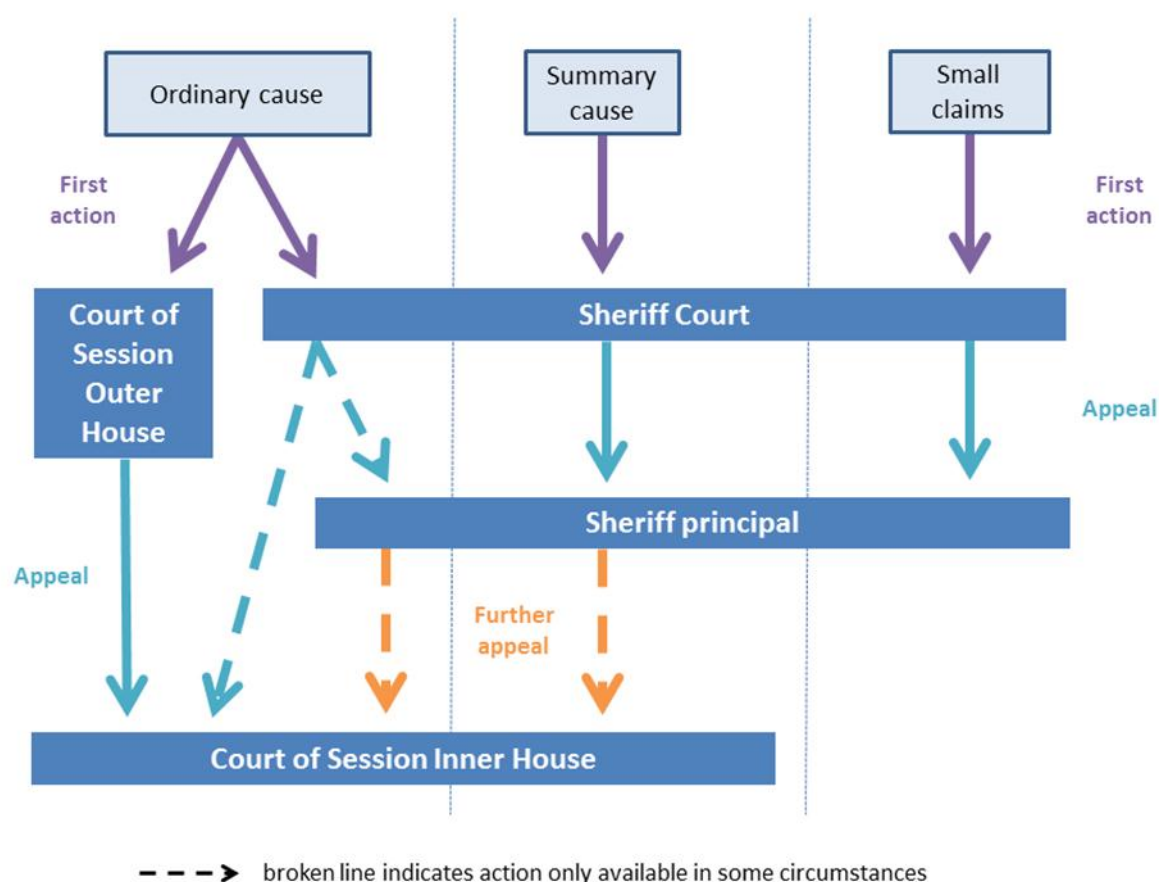


2. Introduction

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.

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, Summary cause or small claims. Sheriff courts also handle summary applications which are made mainly under statutes (Acts of Parliament) and commissary business relating to succession and access to a deceased person's estate. The relationships between the main civil law court procedures and the civil courts are shown in [Figure 1](#), though it should be noted that there may be differences in certain circumstances. The court structure in Scotland and changes to the procedures introduced by the [Courts Reform \(Scotland\) Act 2014](#) are described in more detail in [section 12](#).

Figure 1: Summary of court structure



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 2014-15. 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. An overview of civil justice statistics from the Scottish Legal Aid Board and the Scottish Crime and Justice Survey add further context.

Civil law statistics are used within the Scottish Government to inform decision and policy making and to monitor the impacts of policies following implementation. 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.

In addition to this bulletin, the 2014-15 Civil Justice Statistics in Scotland release includes:

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

Civil Justice Statistics in Scotland 2014-15 builds on the improvements made in previous editions of this series. Statistics on judicial review are now included in this bulletin and can be found in the section titled [Recent trends in civil justice](#) section and in [Table 23](#). These statistics were previously only available in the supplementary tables. Secondly, readability of the bulletin has been improved by moving the statistics tables to their own section towards the back of the bulletin. Finally, specific sections have been created for statistics on repossession and eviction to reinforce the distinction between these two case types.

Important notes on the use of civil justice statistics

The civil law court statistics published here 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.

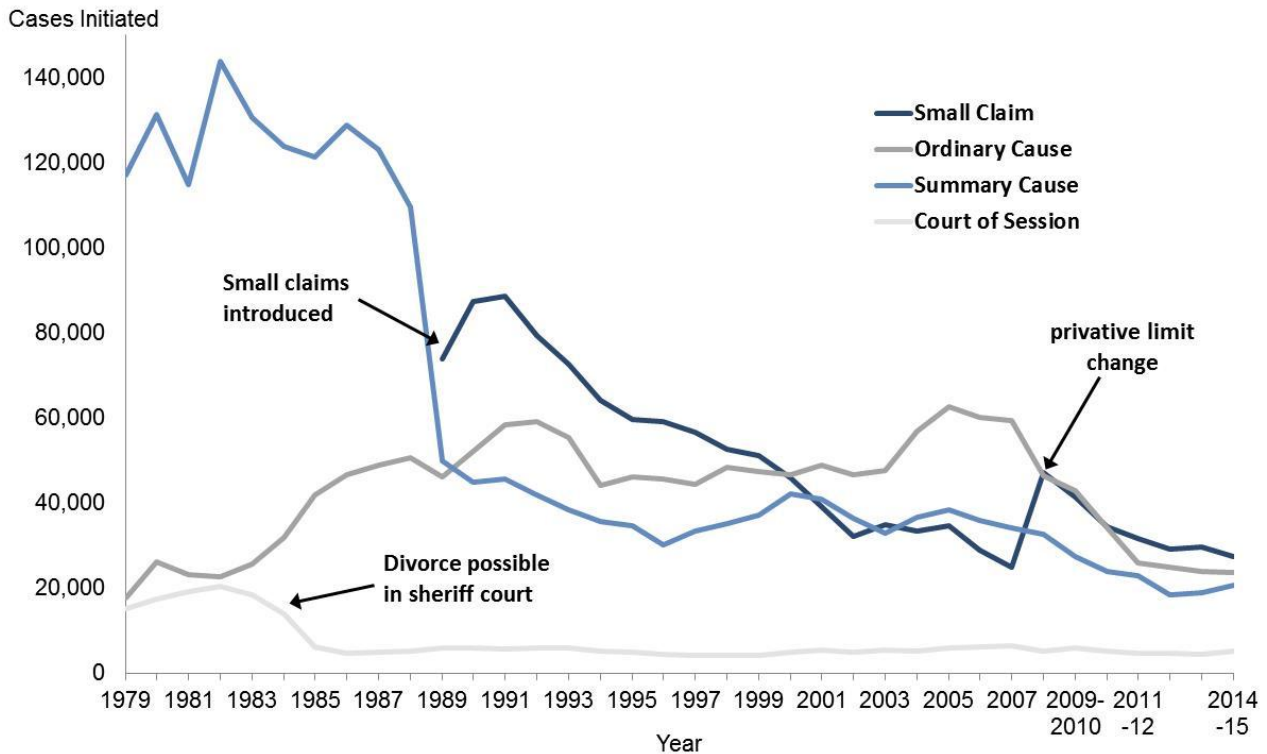
The statistics in the tables for initiations and disposals do not necessarily refer to the same cases. This is because not all the cases initiated in a year will be disposed in that same year.

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

3. History of civil law court cases

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

Figure 2: 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. At this time the monetary limits of various sheriff court procedures were increased and small claims could be made for cases up to and including the value of £3,000. This 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 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. In recent years, the biggest falls have been in repossession, debt and damages. The reasons behind this decrease are not known but possible factors include increasing use of alternative methods of dispute resolution and concerns over costs for litigants should they lose the case. However, there are signs from recent years that the downward trend may be coming to an end.

4. Recent trends in civil justice

There were 76,769 civil law cases initiated in 2014-15, a similar number to the previous two years

Sheriff courts accounted for 93 per cent of civil law cases and 38 per cent of cases in sheriff court were small claims

Survey data shows civil law problems were experienced by around one in five of the adult population

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

Scottish Crime and Justice Survey: civil justice module

The Scottish Crime and Justice Survey (SCJS)¹ 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 interview², they had experienced any of a list³ 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, family or living arrangements
- money, finances or anything paid for
- unfair treatment
- health and well-being

The 2014-15 SCJS shows that around one in five (21 per cent) adults had experienced at least one of the civil law problems asked about in the last three years compared to 2008-09 (30 per cent). The nine percentage point decrease from 2008-09 to 2014-15 represents a statistically significant decrease in adults experiencing at least one of the civil law problems asked.

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

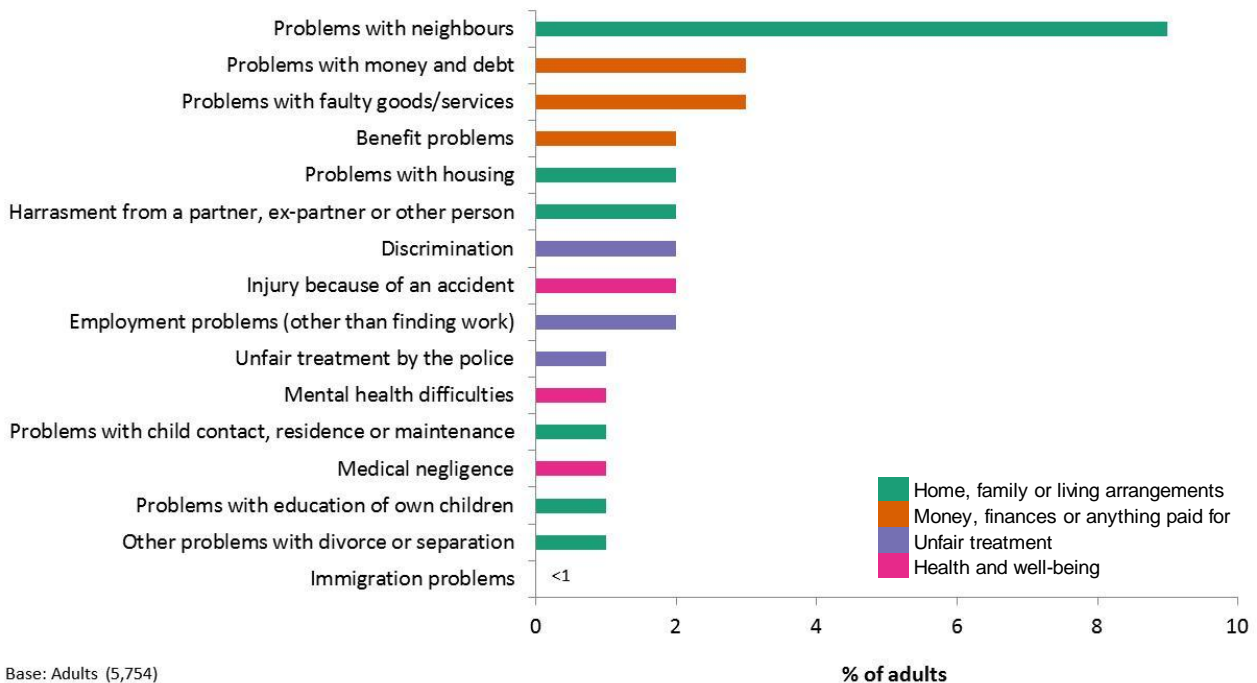
¹ More information on the SCJS can be found within the [Scottish Government website](#).

² Information on the [SCJS questionnaire](#).

³ For more information, see [SCJS 2014-15 publication table 9.4](#).

The most common single problem was with neighbours, experienced by nine per cent. The next most common civil law problems involved money & debt (three per cent) and faulty goods or services (three per cent) (Figure 3).

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



Over a third (34 per cent) 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. This was followed by 8 per cent of problems involving money and debt and 8 per cent involving faulty goods or services.

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

Those who had experienced a problem were also asked about the current situation of their most important problem. Around half (49 per cent) had resolved the problem whilst just under a third (32 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 (9 per cent). Of those not planning to do anything, 54 per cent felt it was not worth the effort and 23 per cent didn't think anything could be done.

For those who had resolved their problem, 20 per cent said it had taken less than a month, while 28 per cent had taken between one and six months.

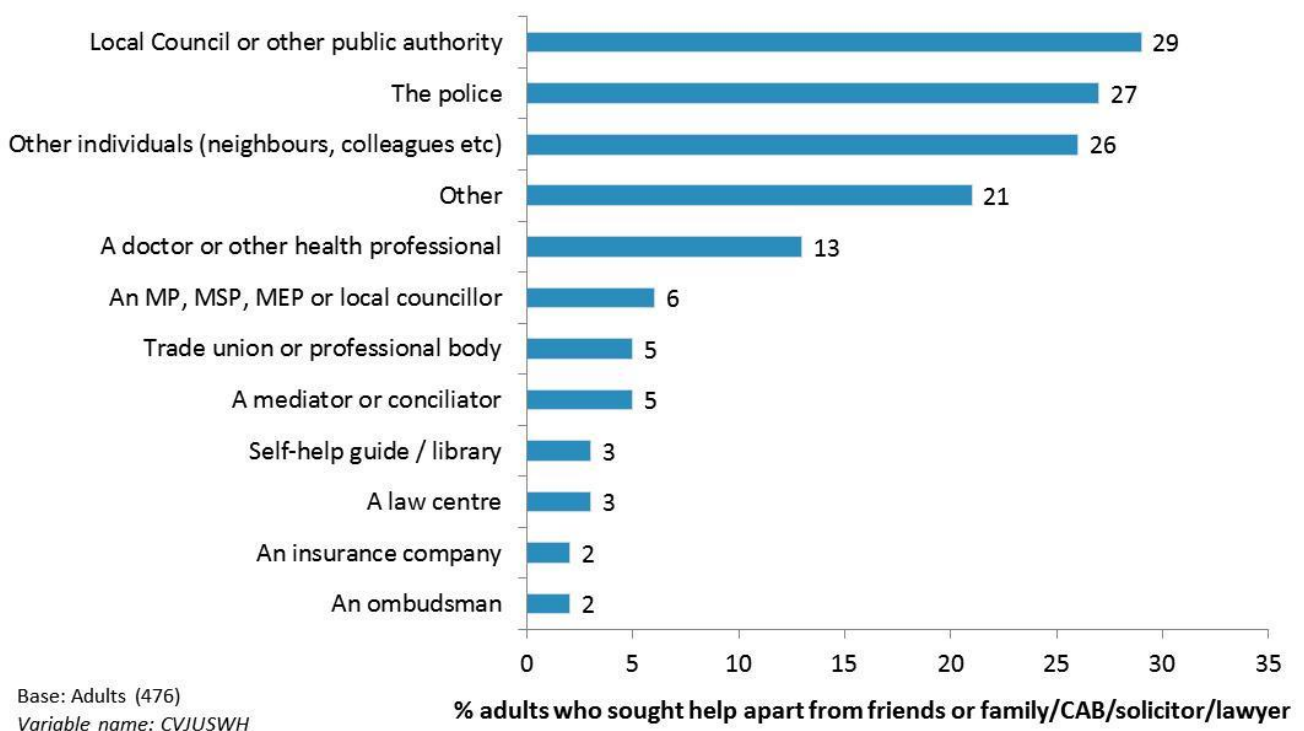
Recent trends in civil justice

Where respondents had identified the most important or only problem, 21 per cent planned to contact either a Citizens Advice Bureau (or similar advice organisation) and 19 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), over a third (36 per cent) felt able to deal with the problem without their help and a quarter (25 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: a third (33 per cent) felt able to deal with the problem without their help and 14 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, 38 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 4](#).

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



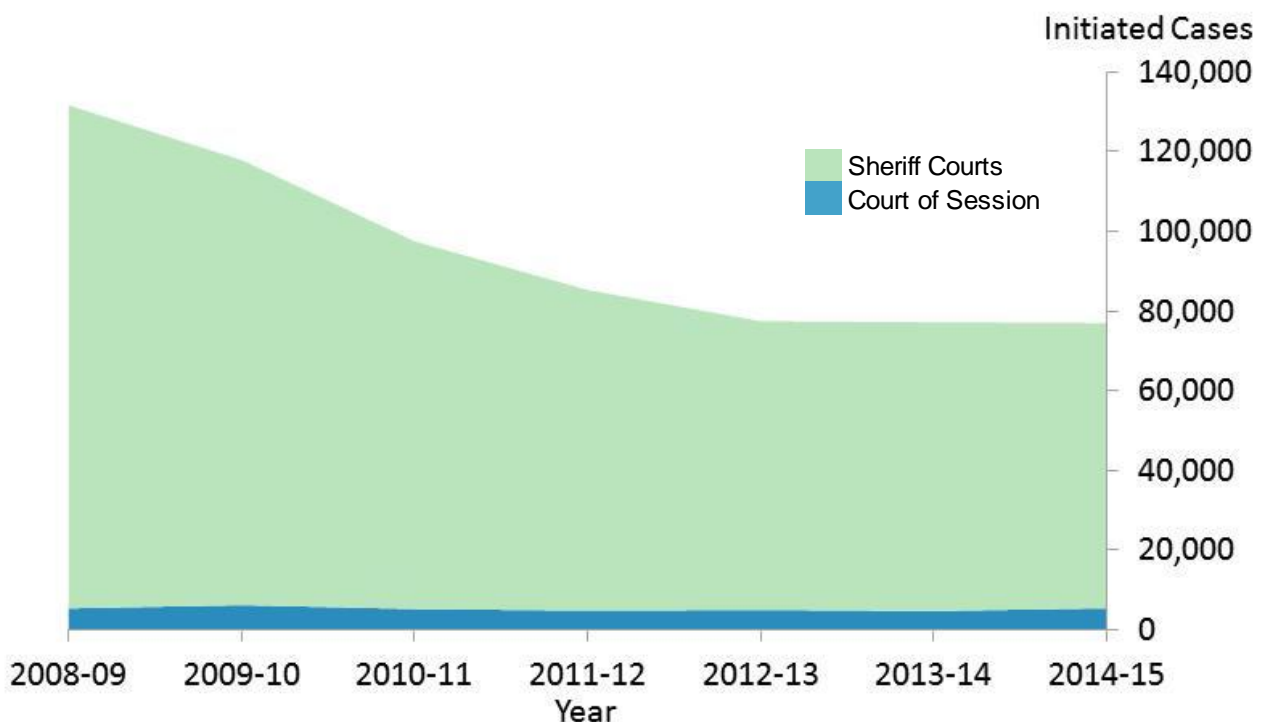
Respondents who sought help from a Citizens Advice Bureau (or similar organisation) received advice (57 per cent), information (56 per cent) or had the organisation contact the other party on their behalf (25 per cent). Those who sought help from a solicitor or lawyer received advice (59 per cent), had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

Various vulnerable groups were more likely to experience civil law problems than the general population. For example, those who lived in areas of multiple deprivation suffered a higher prevalence of civil justice problems (32 per cent) than the rest (19 per cent), as did victims of crime (35 per cent) compared to non-victims (19 per cent). Those who lived in rented (as opposed to owner occupied) accommodation were also more likely to have experienced civil law problems: 31 per cent for social rent and 23 per cent for private rent as opposed to 18 per cent for owner occupied.

Courts

There were 76,769 civil law cases initiated across the Court of Session and sheriff courts in 2014-15 (not including summary applications). The number of cases initiated is at its lowest since this series of statistics began. This represents a decrease of 42 per cent since 2008-09. However, the number of cases initiated in 2014-15 was similar to the previous two years, halting the downward trend observed over the years prior to that. (Figure 5 and Table 1).

Figure 5: Civil law cases initiated in Court of Session and sheriff courts

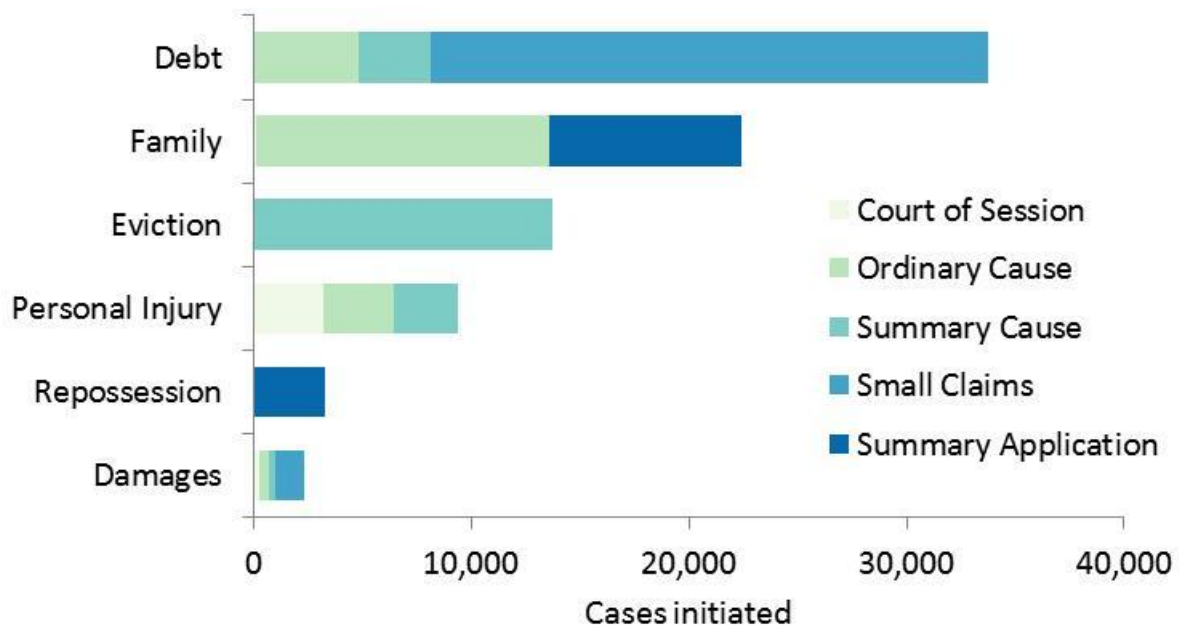


There were 70,587 disposals of civil law cases in 2014-15. This is similar to the number of cases disposed in 2013-14 but 39 per cent lower than 2008-09, so the trend in disposals is similar to initiations.

The year on year change in case numbers was not consistent across courts, sheriffdoms and case types. The number of cases initiated in the Court of Session increased by 13 per cent, while cases in the sheriff courts decreased by one per cent. There was also variation within sheriffdoms, as some handled fewer cases and others more, compared to the previous year. The case mix has also changed with an increase in personal injury and eviction cases but a drop in family, debt and repossession cases.

Debt makes-up the highest proportion of cases handled by the courts in Scotland, representing 44 per cent of all the civil law cases. Eviction and family make up the next biggest categories followed by personal injury, repossession and damages respectively (Figure 6).

Figure 6: Overview of the civil law cases in the sheriff courts and Court of Session reported in this bulletin, 2014-15



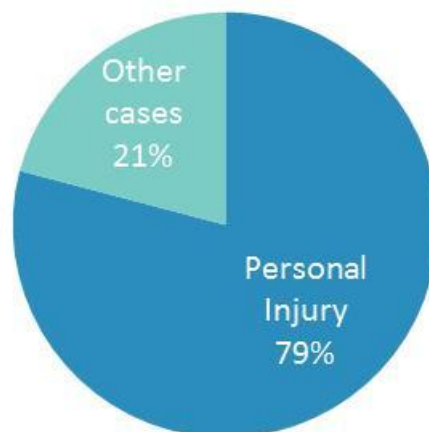
Court of Session

There were 5,164 cases initiated across the General Department, Petition Department and Inner House of the Court of Session and 4,782 cases disposed. The number of cases initiated in the Court of Session in 2014-15 represents a 13 per cent rise compared to 2013-14 but this is still lower than the peak of 6,102 cases initiated in 2009-10 (Table 2).

For the period of these statistics, actions with a value over £5,000 could be raised in either the Court of Session or the sheriff courts and lower value actions could be raised only in the sheriff courts. However this value limit was raised to £100,000 on 22 September 2015 following implementation of the [Courts Reform \(Scotland\) Act 2014](#). The Courts Reform Act also allowed for the creation of a Sheriff Personal Injury Court with specialist personal injury sheriffs. Together these measures are expected to change the make-up of case types in the Court of Session. For example, personal injury cases currently make-up 79 per cent of civil law cases initiated in the General Department of the Court of Session (Figure 7). However, it is expected that the majority of personal injury cases that would have previously been raised in the Court of Session will instead be raised in the All Scotland Sheriff Personal Injury Court based in Edinburgh, although they may also be raised in local sheriff courts.

The Court of Session also deals with judicial review. This is a specialised type of court procedure that can be used in Scotland to challenge the way a person or body with power or authority has made a decision. There were 399 judicial review cases initiated in 2014-15. This is a rise of 30 per cent compared to the previous year, although the number of judicial reviews tends to fluctuate from year to year. Court actions for judicial review cover a range of different matters including planning permission and environmental cases. However, the majority of judicial review cases relate to immigration ([Table 23](#)).

Figure 7: Civil law cases initiated in the General Department of the Court of Session, 2014-15



Sheriff courts

In 2014-15 there were 71,605 civil law cases initiated and 65,805 cases disposed in the sheriff courts. While the number of cases initiated and disposed was similar to the previous year, this represents a fall of 43 and 41 per cent respectively since 2008-09. Cases initiated using the small claim procedure have decreased by 42 per cent since 2008-09 and now make up 38 per cent of cases initiated in the sheriff courts ([Table 3](#)).

All sheriffdoms in Scotland have seen an overall drop in the number of cases initiated and disposed since 2008-09. Between 2013-14 and 2014-15, Glasgow and Strathkelvin saw the biggest decrease of 14 per cent in initiated cases. This is in contrast to small rises, year on year, in cases initiated in the Tayside, Central and Fife sheriffdom, South Strathclyde, Dumfries and Galloway and a larger 11 per cent rise in Lothian and Borders. During the latest period, the Tayside, Central and Fife sheriffdom recorded the highest number of cases ([Table 4](#)).

The [mid-2014 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 direct comparison of the incidence of civil law cases in each sheriffdom. The overall number of cases initiated across Scotland is 13 for every 1,000 people – and this rate is similar for all sheriffdoms.

There was a large variation in the number of civil law cases dealt with by sheriff courts in Scotland in 2014-15. The number of cases handled by Glasgow sheriff court dropped compared to the previous year but it still had by far the largest number of cases (11,517 cases initiated) followed by Edinburgh (8,838 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 recent court closures, is shown in [Figure 19](#)

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 2014-15, 21,948 ordinary estates were confirmed with an average value of £241,000. There were also 2,297 small estates confirmed, with an average value of £23,200 ([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 2014-15, civil legal assistance made up around a third of the net total legal assistance expenditure.

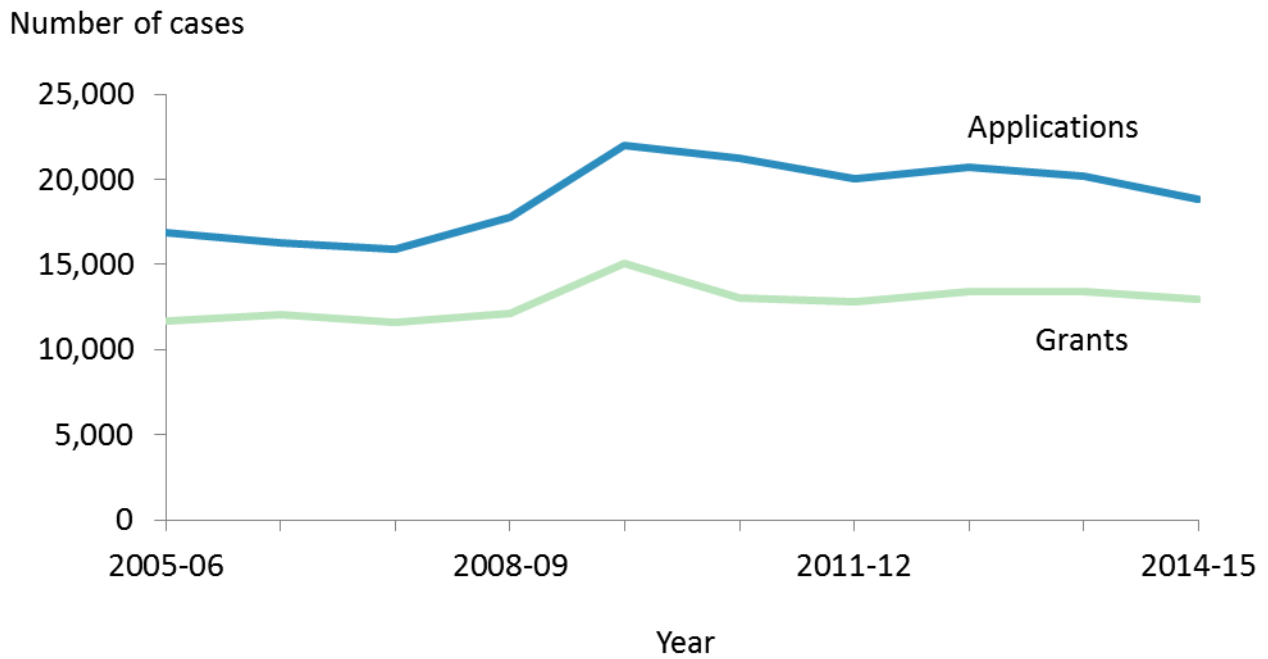
There are two main types of civil legal assistance: advice and assistance (including assistance by way of representation) and civil legal aid. Advice and assistance helps pay for advice from a solicitor on any matter of Scots law. Civil legal aid helps pay for a solicitor to take the case to court. Civil legal aid makes up around 16 per cent of the grants of civil 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 2014-15, there were 12,977 civil legal aid grants, the vast majority of which were for cases in the sheriff courts. In contrast to recent years, legal aid grants in relation to intervention orders and guardianship orders under Part 6 of the [Adults with Incapacity \(Scotland\) Act 2000](#) represented the largest category of legal aid certificates issued, at 28% of all grants. The next largest area is contact/parentage, which accounted for 23% of all grants in 2014-15.

SLAB manages three grant funded programmes which includes 108 different projects across Scotland to enable support for people affected by repossession, eviction, debt problems and benefits disputes. In 2014-15 these programmes enabled 26,888 people to access help, including representation at court or a tribunal for 3,607 people.

Further information and data on legal aid is available from the [Scottish Legal Aid Board Annual Report 2014-15](#).

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 9,030 divorces granted in 2014-15 over three-fifths used the simplified procedure

One per cent of family cases are heard in the Court of Session

Family law in Scotland

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

Family law also covers interdicts preventing a party from making specific contact or coming within close proximity to another, and exclusion orders that suspend the rights of an individual to live in the family home. Family procedure cases made up 18 per cent of all civil court cases initiated in 2014-15.

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

Scottish Crime and Justice Survey

In the 2014-15 Scottish Crime and Justice Survey, two per cent of respondents experienced problems to do with the behaviour of a partner, ex-partner or other person harassing them, one per cent experienced a problem to do with child contact, residence or maintenance and one per cent experienced problems to do with divorce or separation.

Various vulnerable groups were more likely to experience at least one of the above three problems. For example, those living in areas of multiple deprivation suffered a higher prevalence (six per cent) compared to the rest (three per cent). Those who lived in rented (as opposed to owner occupied) accommodation were also more likely to have experienced one of these problems: seven per cent for social rent and five per cent for private rent as opposed to two per cent for owner occupied. Victims of crime also reported experiencing a higher prevalence (seven per cent) in contrast to non-victims (three per cent).

Amongst those who experienced at least one of the above three problems and considered them to be most important, half (51 per cent) had already solved the problem, while 34 per cent were still trying to solve it. Twenty eight per cent had

sought help or advice from others excluding from family or friends and over half (60 per cent) had made contact with a solicitor⁴ for help.

Courts

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

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

During 2014-15, 13,605 family cases were initiated in the civil courts and 11,323 were disposed. Although there has been an overall decrease in cases initiated and disposed since 2008-09, the number of family cases has been relatively stable since 2008-09. Divorce / dissolution and parental responsibilities and rights are the biggest case types and together account for 95 per cent of family cases initiated ([Figure 9](#) and [Table 5](#)).

Figure 9: Family cases initiated in the civil courts, 2014-15



⁴ The questionnaire changed in 2012-13 from previous years how it asked about receiving help from a solicitor.

Court of session

Only a small proportion of family cases are heard in the Court of Session. In 2014-15 there were 148 family cases initiated there which represented four per cent of cases in the General Department of that court. Divorce and dissolution account for 89 per cent of family cases initiated in the Court of Session ([Table 6](#)).

Sheriff court

There were 13,457 ordinary cause family procedure cases initiated in the sheriff courts during 2014-15, very similar to the 13,744 cases initiated in 2013-14. The majority were divorce and dissolution which made up 76 per cent of initiated family cases. In 2014-15, 96 per cent of divorce and dissolution cases were undefended. Decree of divorce or dissolution was granted in the vast majority of cases ([Table 7](#)). Further information on divorce and dissolution cases can be found later in this chapter.

The majority of the remaining family cases initiated in 2014-15 related to parental responsibilities and rights. Within this category, the 1,281 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 2014-15 compared to those initiated (1,571 disposed and 2,582 initiated). One possible reason for this is that these cases can be sisted (suspended), whilst sheriffs seek further information, and parties may resolve their issues outside court during this time. These cases are not then brought back to court for disposal ([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](#). This Act was implemented on June 2013 and while the statistics for 'extend/vary interim order' (previously referred to as child in place of safety), and children's hearings 'referral' and 'appeal' are based on similar definitions to those used for equivalent statistics previously, caution should be exercised when making comparisons between years. The statistics for the category 'Children's Hearings Act 2011 – Other' are new and have no direct equivalent in previous bulletins.

The large majority (85 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 2014-15 there were 425 cases initiated. In contrast, the number of applications initiated for permanence orders with authority to adopt has been steadily rising, and reached 346 in 2014-15. The disposals of adoption petitions and permanence orders with authority to adopt show a similar pattern with nearly all these applications being granted (98 per cent and 94 per cent respectively) ([Table 8](#)).

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.

There are two grounds for divorce, which are:

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

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

Divorces and dissolutions can be applied for using two main procedures in the courts - simplified procedure and ordinary procedure. The simplified procedure is a low cost, simple method of obtaining a divorce/dissolution in cases where there are no children under 16 and no monetary claims by one spouse or partner against another⁵. 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 under the ordinary procedure.

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

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

⁵ For more detailed information on the simplified divorce procedure see the [Scottish Courts and Tribunals Service website](#).

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 datasets 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 9,030 in 2014-15. 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 2014-15 was 9,030, six per cent less than in 2013-14 (9,625). In 2014-15, 63 per cent of divorces granted used the simplified procedure and 37 per cent used the ordinary procedure ([Table 9](#)).

There were 81 civil partnership dissolutions **granted** in 2014-15, up from 61 in 2013-14. The vast majority of dissolutions granted in 2014-15 (96 per cent) used the simplified procedure ([Table 10](#)).

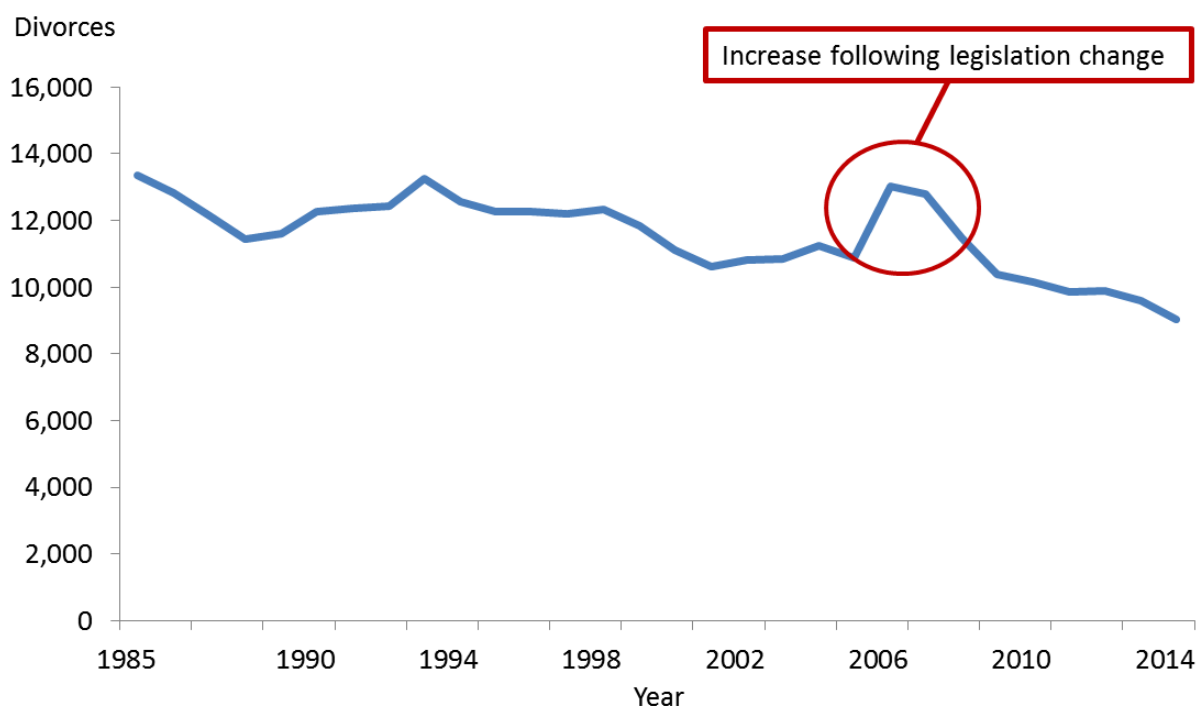
Figure 10: Downward trend of divorces since 1985

Figure 11 and Figure 12 show the proportion of divorces and dissolutions that were granted from 2010-11 to 2014-15 by reason⁶. Non-cohabitation for two years (69 per cent in 2014-15) and non-cohabitation for one year with consent (27 per cent in 2014-15) were the two most common reasons for divorce. The reasons for divorce have not changed much since 2010-11.

Since 2008-09, the proportion of dissolutions where the reason was non-cohabitation for one year had been trending downward, while the proportion where the reason was non-cohabitation for two years had been increasing. However, in 2014-15 these trends reversed. Non-cohabitation for one year was again the most common reason for dissolution in 2014-15, accounting for 58 per cent of dissolutions, followed by non-cohabitation for two years (40 per cent).

⁶ These proportions are obtained via the individual level divorce data as described above.

Figure 11: Divorces granted by reason, 2010-11 to 2014-15

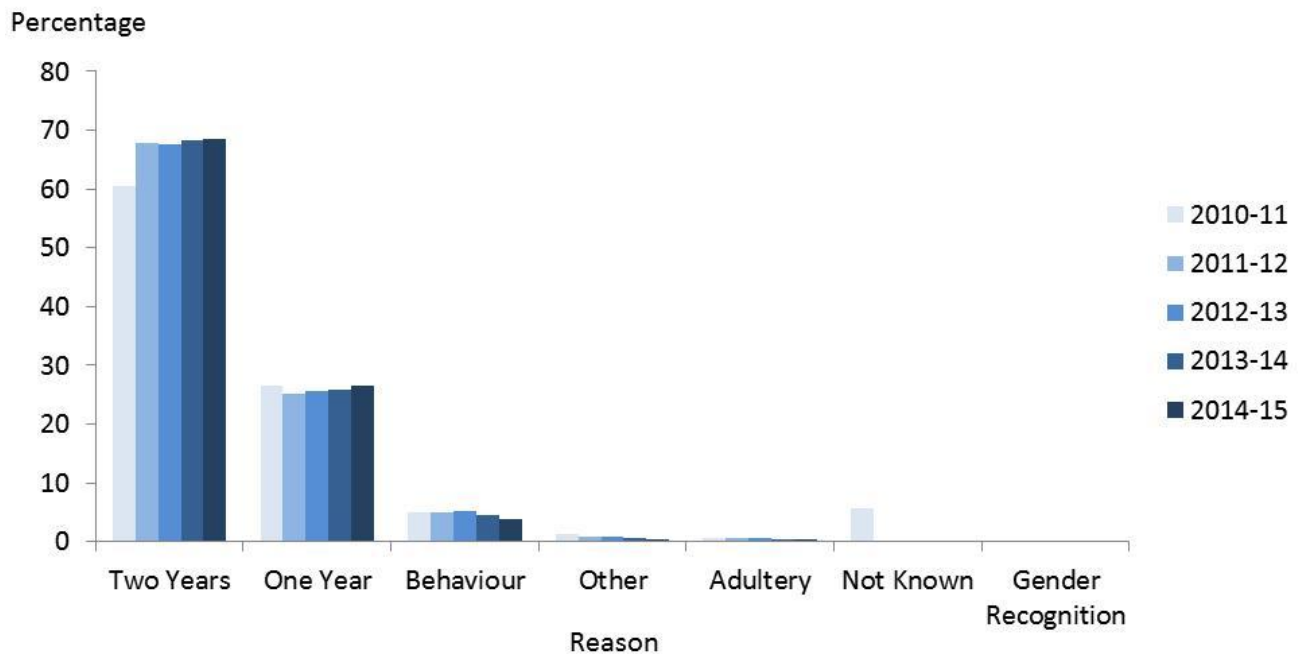
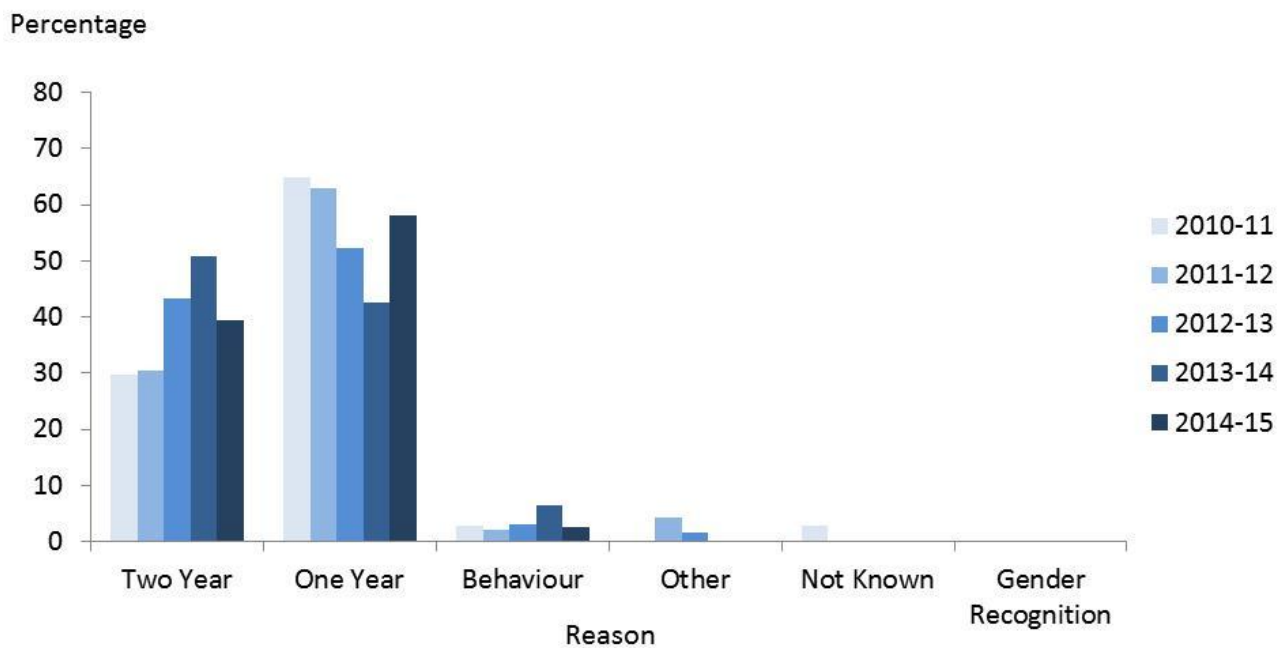


Figure 12: Dissolutions granted by reason, 2010-11 to 2014-15



6. Debt

Debt cases have nearly halved since 2008-09

Over three-quarters of debt cases were small claims

Over 90 per cent of debt cases were undefended

Debt actions in Scotland

Money owed to an individual or organisation is known as a debt and can include council tax, business taxes, hire purchase agreements, utility bills, bank overdrafts and loans. Where there is a dispute over a debt and a creditor wishes to enforce their right for payment for goods sold, services provided or money lent they can raise a debt case in court. There are multiple routes to debt management and resolution of debt issues of which raising a case in court is just one. The Scottish Legal Aid Board has reported on the availability and accessibility of legal services in relation to debt in their [second monitoring report](#). This report found that “Other routes to debt management or resolution of the debt issue, not involving court, are increasing in importance. Debt management companies and the not-for-profit sector appear therefore to be an increasingly significant avenue for people seeking assistance with debt issues relative to solicitors.”

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

Debt cases made up 44 per cent of all civil court cases initiated in 2014-15.

Scottish Crime and Justice Survey

Three per cent of respondents to the 2014-15 Scottish Crime and Justice Survey reported having money and debt problems. Owner-occupiers had the lowest prevalence of money and debt issues (two per cent), in contrast to social renters (six per cent) and those living in private rented accommodation (four per cent). Those living 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), as did victims of crime (seven per cent) compared to non-victims (two per cent).

Courts

There were 33,755 debt cases initiated across the sheriff courts and Court of Session in 2014-15. This was 5 per cent less than the number initiated in 2013-14 and 49 per cent lower than the 65,798 cases initiated in 2008-09 ([Figure 13](#) and

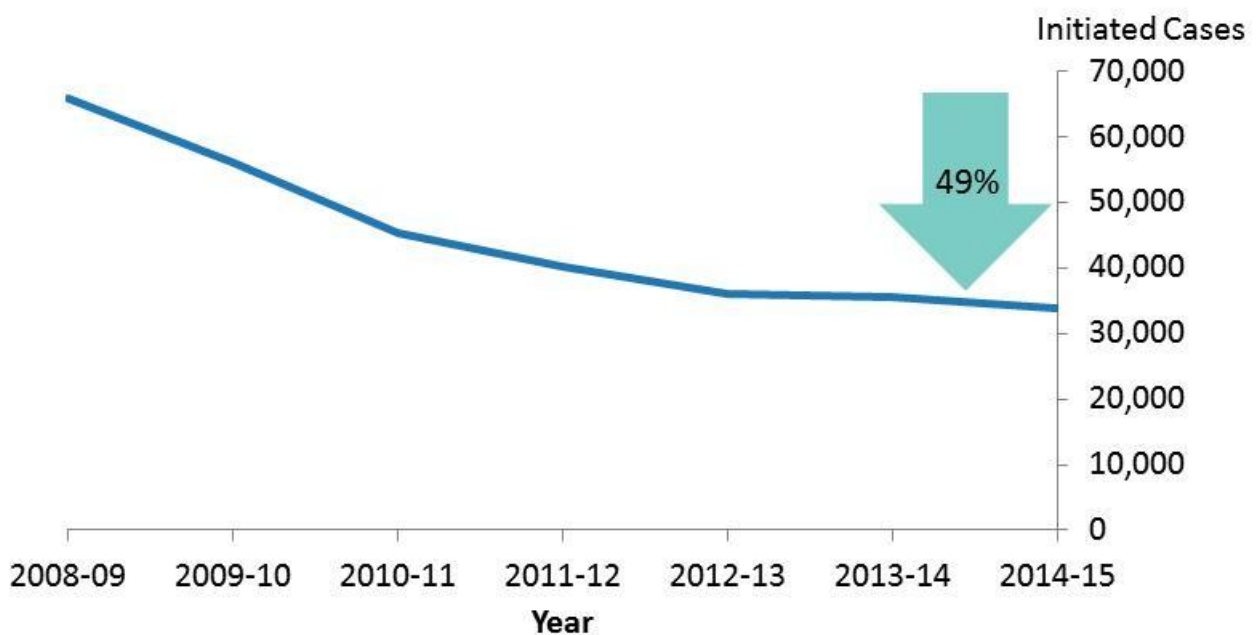
[Table 11](#)). There are multiple routes for resolving disputes over debt and it is possible that non-court options are becoming increasingly favoured by those pursuing debts.

There was a large increase in the number of debt cases raised in the Court of Session from 5 in 2013-14 to 70 in 2014-15.

Over three quarters (76 per cent) of debt cases initiated in 2014-15 were small claim. Ordinary procedure and summary cause cases made up most of the rest of the cases and ordinary cause - commercial procedure cases accounted for one per cent of initiated debt cases.

Across all debt case types ninety one per cent of disposed cases were undefended. Sixty two per cent of debt cases were disposed in favour of the pursuer ([Table 12](#)).

Figure 13: Debt cases in the civil courts



7. Personal injury

There was a 11 per cent increase in personal injury cases in 2014-15 compared to 2013-14

A third of personal injury cases were raised in the Court of Session where they made up 79 per cent of the cases in the General Department

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

Personal injury in Scotland

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

A personal injury case is a form of damages case that relates specifically to damages for, or arising from, personal injuries or the death of a person from personal injuries. Personal injury actions do not cover defamation or any actions which are not commonly understood to be concerned with personal injuries. Such actions are covered in the [Damages](#) chapter of this bulletin.

Personal injury cases made up 12 per cent of all civil court cases initiated in 2014-15.

Scottish Crime and Justice Survey

In the 2014-15 Scottish Crime and Justice Survey, one per cent of respondents experienced a medical negligence issue and two per cent experienced a personal injury problem in the last three years. The prevalence of experiencing at least one of these two issues were higher for those who were victims of crime (five per cent) in contrast to non-victims (two per cent).

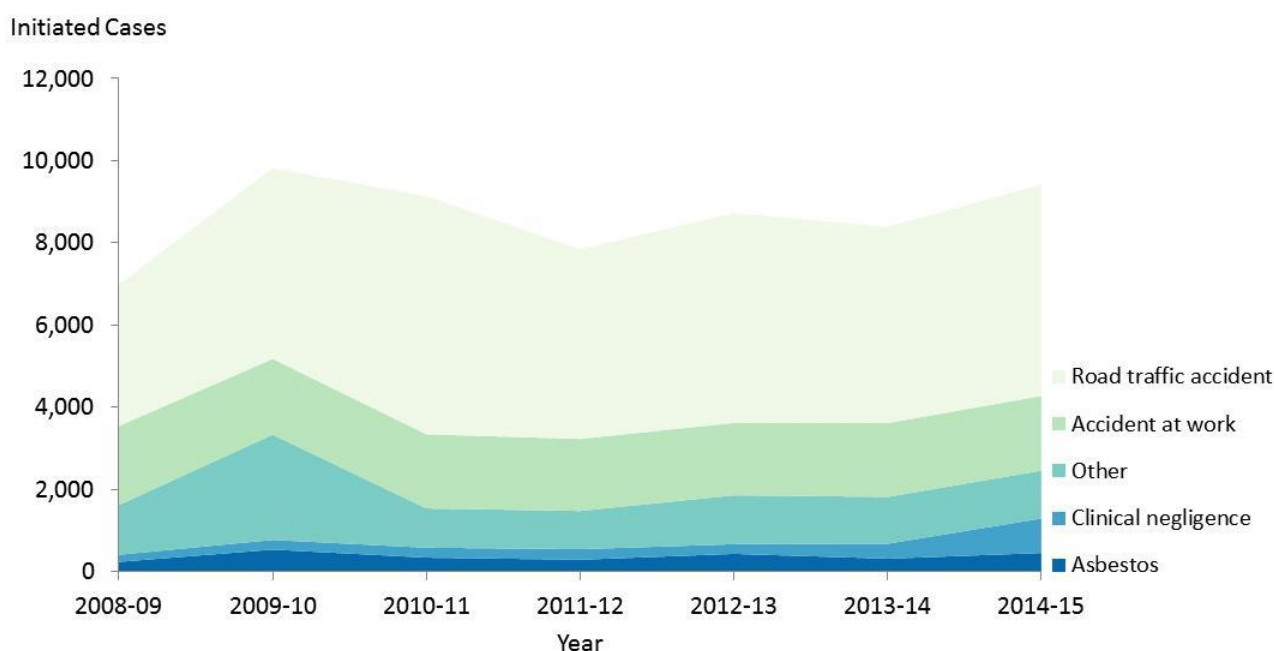
Courts

The 9,210 personal injury cases initiated in 2014-15 was 11 per cent higher than 2013-14, however, historically the number of personal injury cases has fluctuated considerably. The increase was greatest in the Court of Session where personal injury cases rose by 20 per cent compared to 2013-14. Personal injury cases account for a considerable proportion of the cases in the Court of Session.

However, the type of court where personal injury cases are raised is expected to change under the Courts Reform Act, see section on [Court of Session](#) in Chapter 4.

As in every year since 2008-09, cases resulting from a road traffic accident made up the greatest proportion of personal injury cases, accounting for 56 per cent in 2014-15. There was an increase of eight per cent of these personal injury cases from 2013-14 to 2014-15 ([Figure 14](#) and [Table 13](#)). This compares to a seven per cent decrease from 2012-13 to 2013-14. This fluctuation in road traffic accident related cases is in contrast to the downward trend in the number of reported road traffic accident casualties⁷.

Figure 14: Personal injury cases by case types



For the second year running, there was a large increase in clinical negligence cases, up 140 per cent from 262 cases in 2013-14 to 629 cases in 2014-15. In the Court of Session, where 87 per cent of clinical negligence cases were raised, the increase was even greater at 224 per cent from 168 cases in 2013-14 to 545 cases in 2014-15. The rise in these cases is thought to be related to compensation claims associated with mesh implants and breast implants ([Figure 14](#)).

In 2014-15 there was also a rise in the number of asbestos cases, increasing by 43 per cent compared to the previous year to 458. However, this is still lower than the peak of 541 cases initiated in 2009-10. The peak in 2009-10 can be explained in part by the introduction of the [Damages \(Asbestos-related Conditions\) \(Scotland\) Act 2009](#), which came into force in June 2009 and allows individuals with asbestos-related pleural plaques etc. to raise a court case for personal injury ([Figure 14](#) and [Table 13](#)).

⁷ See [Key Reported Road Casualties Scotland 2014, Transport Scotland](#)

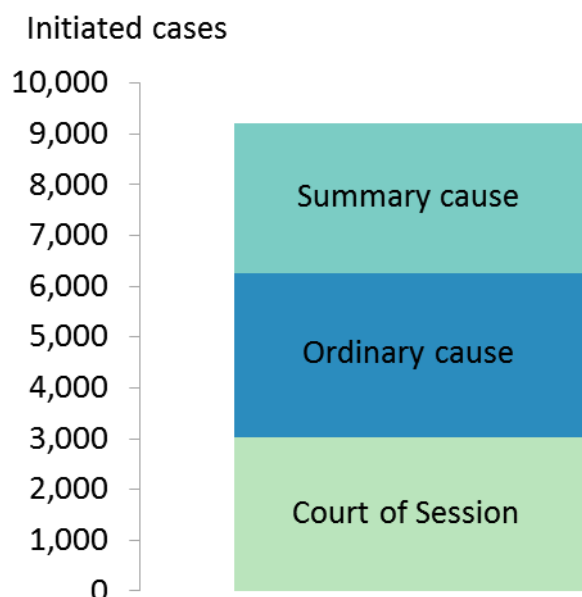
Many asbestos cases were sisted (suspended) pending the UK Supreme Court's decision as regards a judicial review of the [Damages \(Asbestos-related Conditions\) \(Scotland\) Act 2009](#). Following the decision of the UK Supreme Court dated 12 October 2011 in the case [Axa General Insurance Ltd & Others 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.

Although the percentage increases in clinical negligence and asbestos cases initiated were large, the proportion of personal injury cases that they account for is still relatively small at seven and five per cent respectively ([Figure 14](#)).

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

In 2014-15, personal injury actions were split roughly equally between Court of Session, sheriff court Ordinary procedure and sheriff court Summary Cause procedure ([Figure 15](#)).

Figure 15: Personal injury case types by procedure, 2014-15



8. Damages

The number of damages cases initiated continued its long-term downward trend

Small claims made up over half of damages cases in 2014-15

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

The purpose of a damages case is to provide a remedy by measuring, in financial terms, the harm suffered to restore an injured party, as far as practicable, to the position they were in beforehand. The court has responsibility for assessing the damage and agreeing or modifying the damages proposed by the pursuer as it sees fit. Generally, the court will award compensation for loss of business or income through a damaged reputation; or loss of property due to a breach of contract.

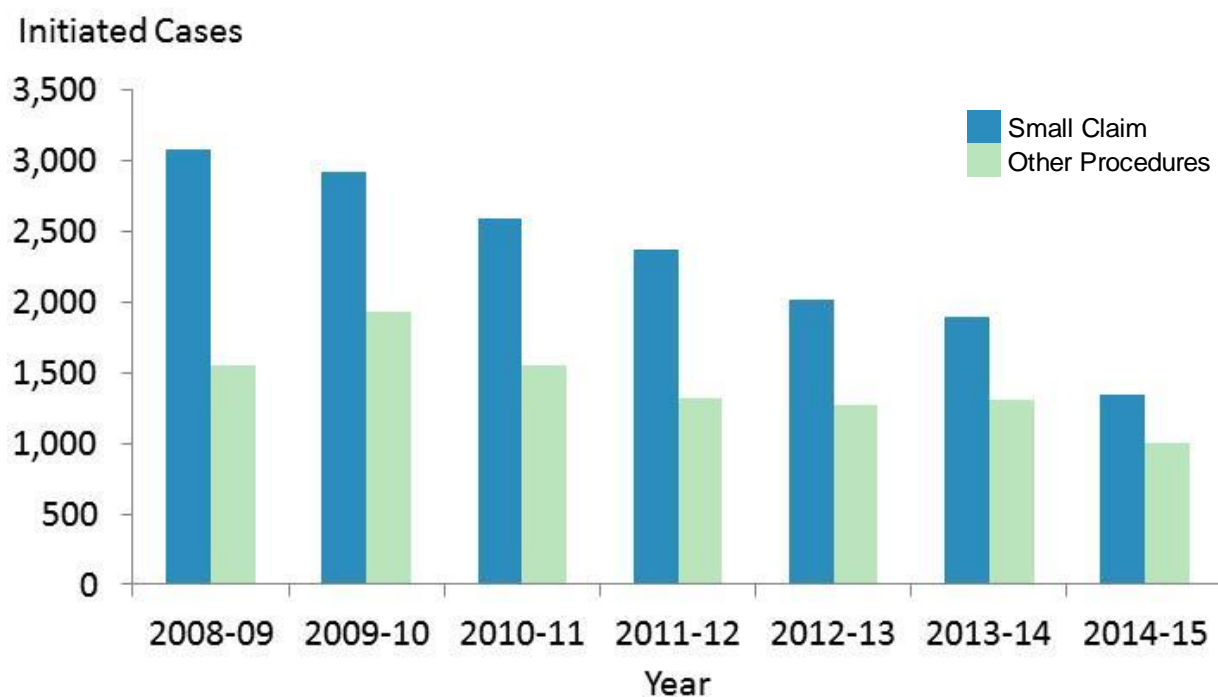
Damages cases made up 3 per cent of all civil court cases initiated in 2014-15.

Courts

There were 2,351 damages cases initiated in 2014-15, a decrease of 26 per cent compared to the previous year. This continues the long-term trend of decreasing numbers of damages cases, although the drop in 2014-15 was bigger than in any of the preceding years in this statistics series ([Table 17](#)). Compared to 2008-09, there were fewer than half as many cases raised using the small claims procedure. Despite this fall, small claims still accounted for 57 per cent of damages cases initiated 2014-15 ([Figure 16](#)).

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 overall, particularly for cases in the Court of Session ([Table 18](#)).

Figure 16: Damages cases initiated in the civil courts



9. Repossession

Repossession cases initiated was at its lowest since 2008-09

Repossession cases involve default of a mortgage or loan secured on a property

Repossession in Scotland

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

If the mortgage or secured loan lender has concerns about the level of the arrears, or is not satisfied with the proposals to repay them, they can raise a repossession claim in the courts. This can only happen after the lender has given a calling-up notice and has complied with pre-action requirements. Until recently, repossession cases relating to mortgages and loans were dealt with under ordinary cause procedure. However, the introduction of the [Home Owner and Debtor Protection \(Scotland\) Act 2010](#) on 30 September 2010 led to these cases being raised as summary applications. Where a repossession case relates to non-residential land or property, the action may be raised either as a summary application or as an ordinary action. Accordingly a number of repossession cases relating to non-residential property or land continue to be raised as ordinary cause.

If successful, the pursuer has the right to take possession of the property. It is important to note that the granting of a repossession case means the court has permitted the repossession to take place, but the order may not be ultimately enforced.

Repossession made up 4 per cent of all civil court cases initiated in 2014-15.

Courts

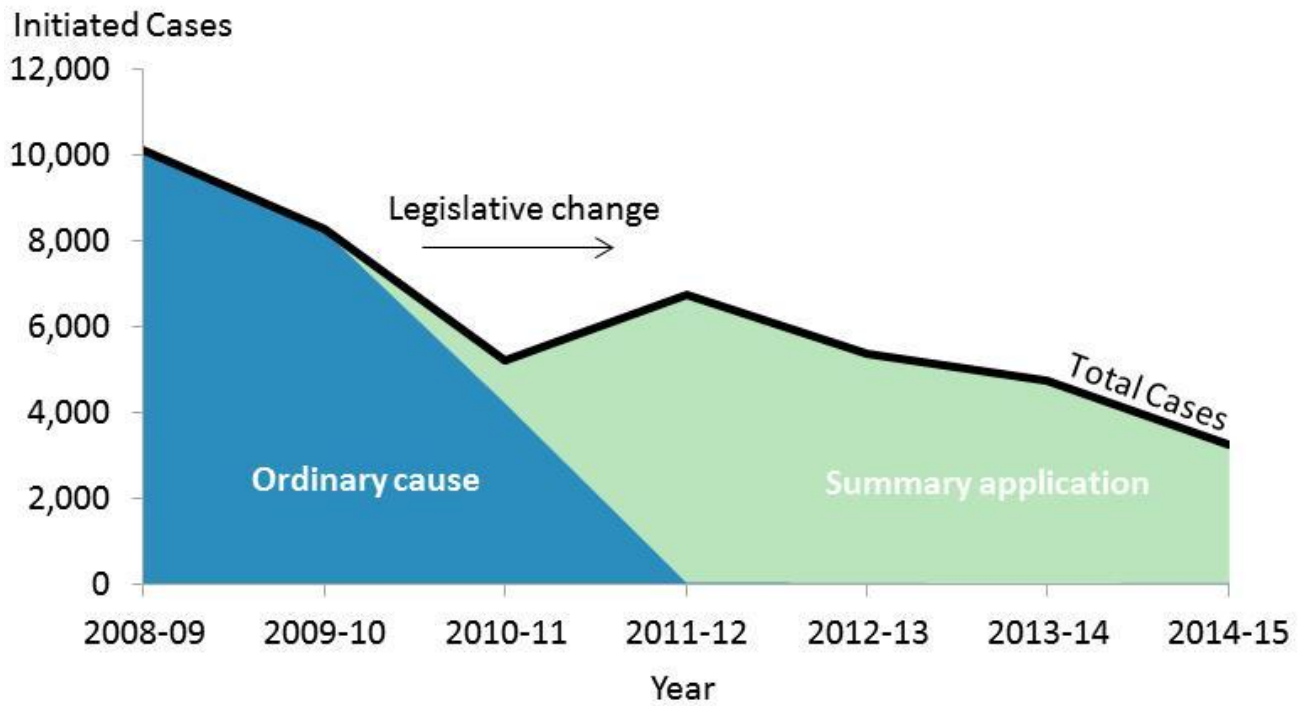
There were 3,268 repossession cases initiated in 2014-15. This represents a 31 per cent reduction compared to 2013-14 and is 68 per cent lower than the number initiated in 2008-09 ([Figure 17](#)). Part of the decrease in 2014-15 may have been due in part to a temporary suspension of repossession cases being taken to court by some lenders whilst a case regarding levels of charges was made against customers with mortgage arrears.

The procedures used to raise repossession cases have been influenced by a number of factors in recent years. As mentioned above, the introduction of the [Home Owner and Debtor Protection \(Scotland\) Act 2010](#) 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

Repossession 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](#)).

Seventy per cent of repossession summary applications are granted ([Table 20](#)).

Figure 17: Repossession cases by procedure



10. Eviction

Eviction cases rose in 2014-15 for the second year in a row but are still 31 per cent lower than in 2008-09

Eviction cases involve the taking of a rented property by the owner from tenants

Eviction in Scotland

Eviction cases involve the taking of property by the owner from an occupier, usually a tenant, that has accrued rent arrears or where the tenancy agreement has been breached. Landlords can apply for an eviction if they want their tenants removed from the property. Reasons for doing so can include rent arrears, breach of tenancy agreements or when the tenancy comes to an end and the occupier refuses to vacate the property. Most eviction cases relate to rent arrears, rather than for breaches of some other aspect of the tenancy agreement.

Initiating action for eviction for rent arrears can only happen after landlords have followed a set of pre-action requirements. Eviction should not be confused with repossession which, for the purposes of these statistics, relates to the retaking of property when a borrower is in breach or default of a mortgage or loan secured on the property.

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

Eviction cases made up 18 per cent of all civil court cases initiated in 2014-15. The eviction statistics in this release relate to tenants of rented properties in the social housing (local authority and registered social landlords) and private sectors. Detailed statistics on the eviction of local authority tenants are available from [Scottish Government Housing](#) statistics.

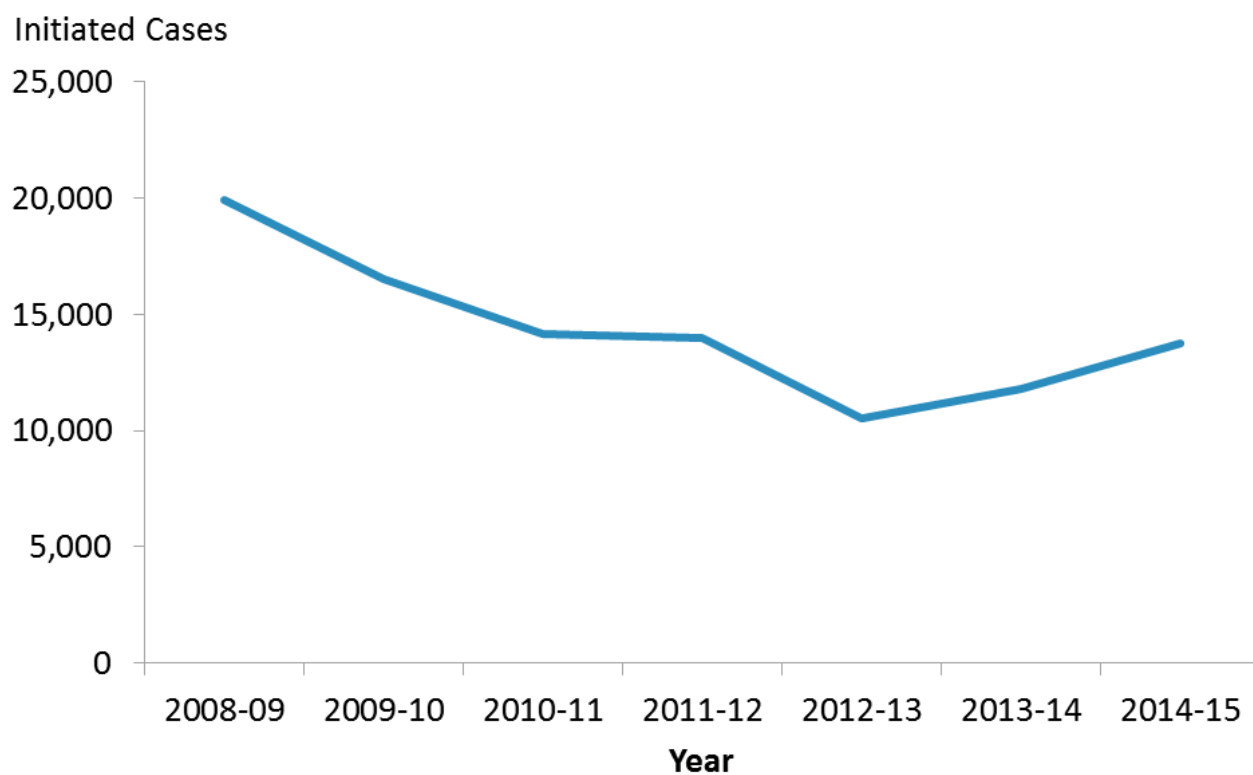
Courts

There were 13,750 eviction cases initiated in 2014-15 related to tenants of properties in the social housing and private sectors. This was a rise of 17 per cent compared to 2013-14 but 31 per cent lower than 2008-09 ([Figure 18](#) and [Table 21](#)). Around two thirds of eviction cases initiated relate to local authority tenants⁸. 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 where eviction action for rent arrears is being considered were introduced in the [Housing \(Scotland\) Act 2010](#) and came into force on 1 August 2012.

⁸ See [Housing Statistics for Scotland - Evictions, Scottish Government](#)

Over half of eviction cases were found 'for pursuer', while 92 per cent of cases were undefended ([Table 22](#)).

Figure 18: Eviction cases initiated in the sheriff courts



11. Recent changes to civil legislation

Children's Hearings

The introduction of the [Children's Hearings \(Scotland\) Act 2011](#) has resulted in changes to the court business relating to children's hearings reported in the [Family](#) chapter of this bulletin (see page [21](#) and [Table 8](#)). In general, the summary applications raised in court under the new Act have equivalents in the [Children \(Scotland\) Act 1995](#). Therefore this bulletin reports a single set of statistics that comprise applications raised under the old Act up to June 2013 and applications raised since then under the new Act.

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

Courts Reform

The [Courts Reform \(Scotland\) Act 2014](#) introduced a raft of reforms to the way in which civil law cases are dealt with by the courts in Scotland. Several measures in the Act, including an increase in exclusive competence of the sheriff court, a new simple procedure to replace summary cause and small claims, introduction of a new judicial office (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 2014-15 statistics reported in this bulletin relate to a period before the Act was implemented and so are unaffected by it.

Marriage and civil partnership

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.

Repossession

The [Home Owner and Debtor Protection \(Scotland\) Act 2010](#) came into force on 30 September 2010. This Act included a change to the way that repossession cases related to mortgages and loans related to residential property are raised in court so

Recent changes to civil legislation that these are now raised as summary applications. Previously, nearly all court actions for repossession were made using ordinary cause procedure.

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

Eviction

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

Personal injury - asbestos

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

The subsequent increase in asbestos-related pleural plaques 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.

12. 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. Between November 2013 and January 2015, 10 sheriff courts closed. The courts at Dornoch, Kirkcudbright and Rothesay closed in November 2013; Arbroath, Cupar and Stonehaven closed in May 2014; Duns, Peebles, Haddington and Dingwall closed in January 2015. (Figure 19).

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

The civil court structure in Scotland such as banks, before they can release money and other property that belonged to someone who has died.

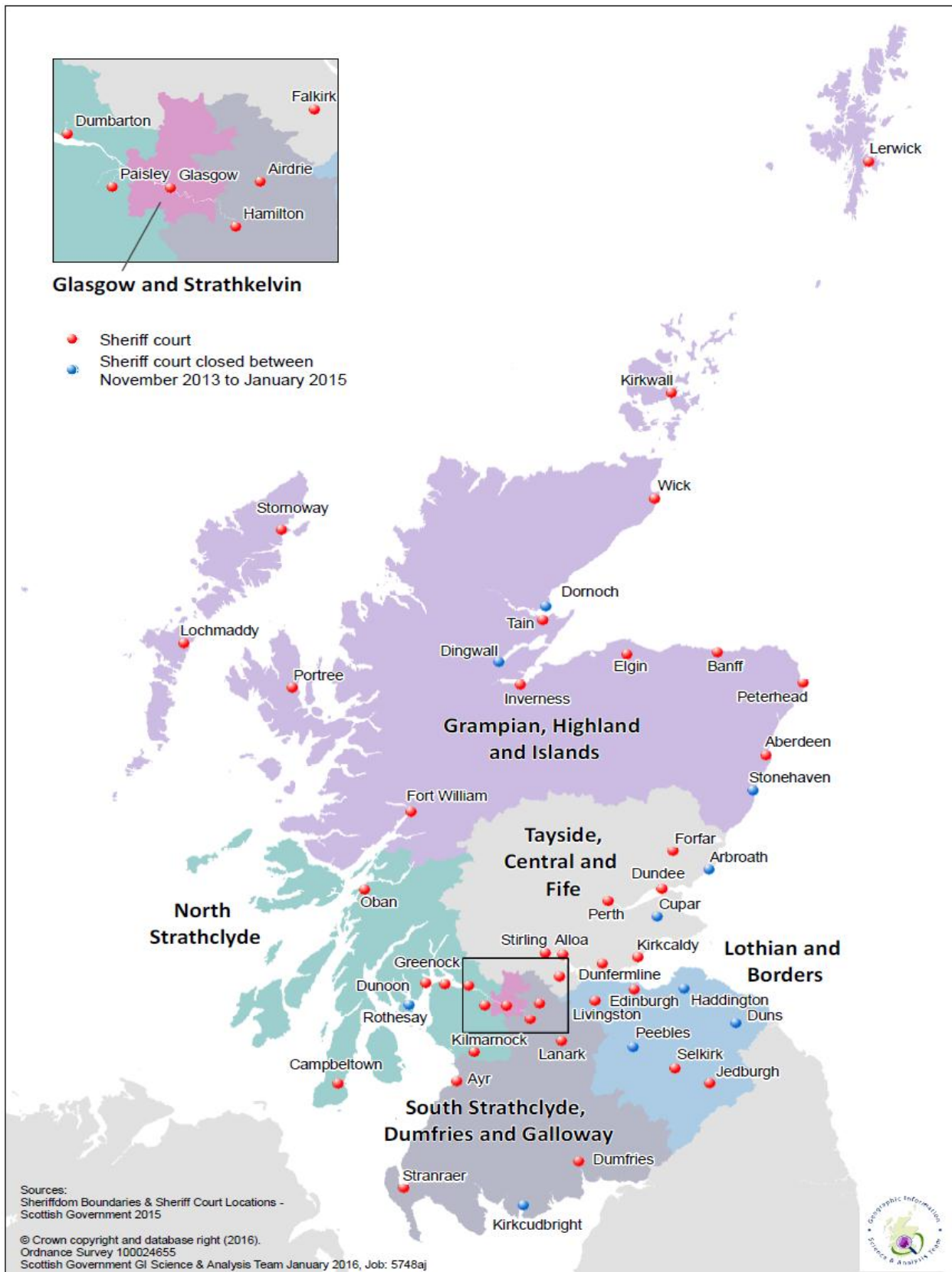
Appeals of civil cases which have been disposed in the sheriff courts can be made to the sheriff principal or the Inner House of the Court of Session, depending on the procedure used:

- 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.

From January 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. 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 All Scotland Sheriff Personal Injury Court, which was established on 22 September 2015, could be appealed to the Court of Session until the Sheriff Appeal Court (civil) was established whereupon they are appealed to that court.

Figure 19: Location of the sheriff courts in Scotland in 2014-15



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

Court of Session

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

13. 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 since 2008-09 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 2014-15 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.

Court of Session – Personal injury cases

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

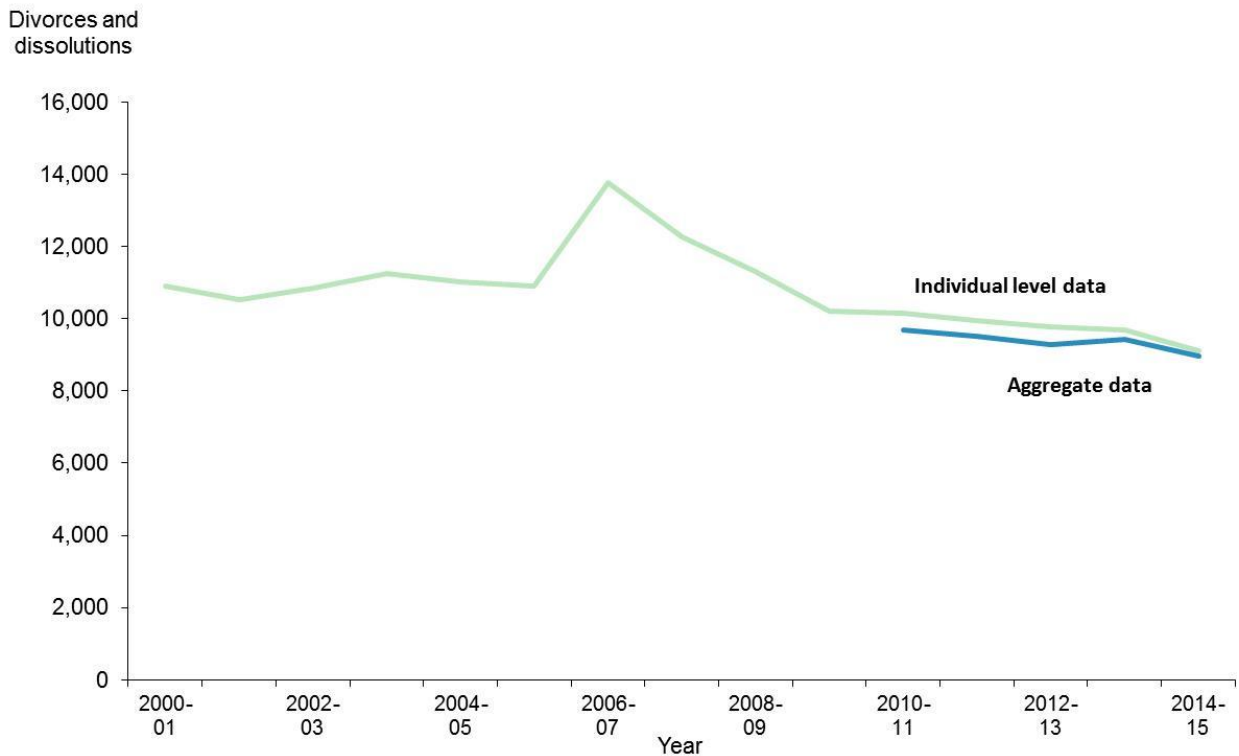
The personal injuries statistics in this bulletin include minor revisions to initiated cases in the Court of Session to address this recording issue. The revisions are minor and mainly affect clinical negligence cases.

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 20](#) 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 20: Total number of divorces and dissolutions from individual level and aggregate data



14. Definitions

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

Civil law case types

Aliment

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

Child in place of safety

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

Children's hearings - appeal

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

Children's hearings - referral

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

Civil non-harassment order

Restrain the conduct of a person. [Protection from Harassment Act 1997 s8 and s8A](#) (section s8A was added by the [Domestic Abuse \(Scotland\) Act 2011](#)).

Confirmation

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

Commercial

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

Company

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

Damages

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

Debt

Payment of money, excluding damages and personal injury.

Decree Dative

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

Delivery

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

Eviction

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

Exclusion order - child's home

Local authority application to exclude a person from a child's home. [Children \(Scotland\) Act 1995 s76](#).

Exclusion order - matrimonial

Suspend the right of a spouse, civil partner or cohabitant to occupy the matrimonial home. [Matrimonial Homes \(Family Protection\) \(Scotland\) Act 1981 s4](#).

Extend/vary interim order

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

Implement

Fulfil an obligation or duty.

Intellectual property

Infringement of copyright, patents, trademarks, etc. 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

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

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

Succession

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

Summary warrant

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

Suspension

Suspend a charge.

Trusts

Actions relating to the creation and administration of trusts.

Disposal types

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.

15. Statistics Tables

Table 1: Civil law cases initiated and disposed of¹ in the Court of Session² and sheriff courts³, 2008-09 to 2014-15

Cases		2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	% change since 2013-14	% change since 2008-09
Initiated	Court of Session ⁴	5,329	6,102	5,141	4,718	4,911	4,561	5,164	13	-3
	Sheriff courts	126,304	111,737	92,308	80,502	72,510	72,511	71,605	-1	-43
	All courts⁴	131,633	117,839	97,449	85,220	77,421	77,072	76,769	0	-42
Disposed	Court of Session	4,022	4,356	4,295	4,856	4,712	4,911	4,782	-3	19
	Sheriff courts	111,541	104,831	87,504	77,147	68,781	65,356	65,805	1	-41
	All courts	115,563	109,187	91,799	82,003	73,493	70,267	70,587	0	-39

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. These statistics include minor revisions to initiated cases in the Court of Session.

Table 2: Cases initiated and disposed of¹ in the Court of Session, 2008-09 to 2014-15

Court of Session department	Cases	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	% change since 2013-14
General Department	Initiated ²	3,736	4,429	3,688	3,354	3,536	3,258	3,812	17
	Disposed	2,961	3,167	3,187	3,455	3,405	3,656	3,582	-2
Petition Department	Initiated	1,473	1,555	1,358	1,223	1,211	1,179	1,213	3
	Disposed	988	1,094	1,035	1,299	1,191	1,126	1,062	-6
Inner House³	Initiated	120	118	95	141	164	124	139	12
	Disposed	73	95	73	102	116	129	138	7
Total	Initiated²	5,329	6,102	5,141	4,718	4,911	4,561	5,164	13
	Disposed	4,022	4,356	4,295	4,856	4,712	4,911	4,782	-3

1. Figures for initiations and disposals do not necessarily refer to the same cases.
2. These statistics include minor revisions to initiated cases in the Court of Session.
3. First instance business only – excludes appeals and reclaiming motions.

Table 3: Cases¹ initiated and disposed of² in the sheriff courts, by procedure, 2008-09 to 2014-15

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	% change since 2013-14
Initiated	Ordinary cause	46,477	42,823	34,123	26,021	24,957	24,026	23,628	-2
	Summary cause	32,736	27,464	23,799	22,783	18,510	18,852	20,624	9
	Small claim	47,091	41,450	34,386	31,698	29,043	29,633	27,353	-8
	Total initiated	126,304	111,737	92,308	80,502	72,510	72,511	71,605	-1
Disposed	Ordinary cause	38,902	33,911	29,768	23,410	20,733	19,575	18,768	-4
	Summary cause	31,231	27,568	24,036	22,434	19,831	17,876	18,984	6
	Small claim	41,408	43,352	33,700	31,303	28,217	27,905	28,053	1
	Total disposed	111,541	104,831	87,504	77,147	68,781	65,356	65,805	1

1. Excludes summary applications.

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

Table 4: Cases¹ initiated and disposed of² in the sheriff courts, by sheriffdom, 2008-09 to 2014-15

Cases	Sheriffdom	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	% change since 2013-14	2014-15 cases per 1,000 population ³
Initiated	Tayside, Central and Fife	22,456	20,204	16,816	14,759	14,006	13,590	13,806	2	13
	Glasgow and Strathkelvin	24,919	22,389	17,784	16,305	14,313	13,433	11,517	-14	16
	South Strathclyde, Dumfries and Galloway	22,949	19,457	16,869	14,171	12,968	12,870	12,929	0	15
	Lothian and Borders	24,469	21,439	16,211	14,148	11,554	11,755	13,022	11	13
	North Strathclyde	17,177	14,907	12,954	10,577	9,932	10,447	10,096	-3	13
	Grampian, Highlands and Islands	14,334	13,341	11,674	10,542	9,737	10,416	10,235	-2	12
	Scotland total initiated	126,304	111,737	92,308	80,502	72,510	72,511	71,605	-1	13
Disposed	Tayside, Central and Fife	20,160	18,730	16,081	14,343	13,268	12,476	12,782	2	12
	Glasgow and Strathkelvin	21,315	20,059	16,134	15,630	13,544	11,828	10,303	-13	14
	South Strathclyde, Dumfries and Galloway	20,829	18,759	15,979	13,749	12,466	11,801	11,655	-1	13
	Lothian and Borders	20,384	20,948	15,957	13,494	11,595	11,029	11,700	6	12
	North Strathclyde	15,687	13,455	12,218	9,921	8,803	8,949	9,590	7	12
	Grampian, Highlands and Islands	13,166	12,880	11,135	10,010	9,105	9,273	9,775	5	11
	Scotland total disposed	111,541	104,831	87,504	77,147	68,781	65,356	65,805	1	12

1. Excludes summary applications.

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

3. Statistics have been revised and in addition uses corrected mid-2014 small area population estimates provided by National Records of Scotland October 2016.

Table 5: Family procedure cases¹ initiated and disposed of² in the civil courts³, by case type, 2008-09 to 2014-15

Cases	Case type	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	% change since 2013-14
Initiated	Divorce / dissolution	11,752	11,159	11,018	10,678	10,355	10,573	10,301	-3
	Parental responsibilities & rights	2,364	2,742	2,713	2,272	2,751	2,479	2,587	4
	Interdict	381	409	262	329	370	352	292	-17
	Aliment	82	88	89	69	58	77	65	-16
	Exclusion order	7	18	26	14	14	16	19	19
	Nullity of marriage / civil partnership	0	0	2	1	0	0	1	n/a
	Other	250	317	386	316	314	356	340	-4
	Total initiated	14,836	14,733	14,496	13,679	13,862	13,853	13,605	-2
Disposed	Divorce / dissolution	11,538	10,750	10,115	9,879	9,571	9,809	9,349	-5
	Parental responsibilities & rights	1,276	1,416	1,596	1,542	1,638	1,634	1,575	-4
	Interdict	93	134	140	137	166	146	152	4
	Aliment	55	46	50	64	32	54	40	-26
	Exclusion order	11	4	8	6	6	8	4	-50
	Nullity of marriage / civil partnership	0	0	2	2	0	1	0	-100
	Other	177	198	216	234	210	228	203	-11
	Total disposed	13,150	12,548	12,127	11,864	11,623	11,880	11,323	-5

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.

Table 6: Family procedure cases initiated and disposed¹ of in the Court of Session, by case type 2014-15

Case type	Initiated	Disposed	Disposed							
			Absolvitor	Dismissed		For pursuer		Expenses only		Other
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Aliment	0	0	0	0	0	0	0	0	0	0
Divorce / dissolution	132	110	1	2	1	4	100	0	0	2
<i>Ordinary divorce</i>	50	25	1	1	0	4	18	0	0	1
<i>Simplified divorce</i>	79	83	0	1	1	0	80	0	0	1
<i>Ordinary dissolution</i>	1	0	0	0	0	0	0	0	0	0
<i>Simplified dissolution</i>	2	2	0	0	0	0	2	0	0	0
Exclusion order²	0	0	0	0	0	0	0	0	0	0
Nullity of marriage / civil partnership	1	0	0	0	0	0	0	0	0	0
Parental responsibilities & rights	5	4	0	0	1	0	0	0	0	3
<i>Contact</i>	2	0	0	0	0	0	0	0	0	0
<i>Residence</i>	3	3	0	0	0	0	0	0	0	3
<i>Other</i>	0	1	0	0	1	0	0	0	0	0
Other	10	6	4	1	1	0	0	0	0	0
Total	148	120	5	3	3	4	18	0	0	87

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

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

Table 7: Family procedure cases initiated and disposed¹ of in the sheriff courts, by case type 2014-15

Case type	Initiated	Disposed	Disposed							
			Absolutor	Dismissed		For pursuer		Expenses only		Other
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Aliment	65	40	0	24	5	6	3	1	0	1
Divorce / dissolution	10,169	9,239	0	59	279	320	8,546	7	0	28
<i>Ordinary divorce</i>	4,098	3,297	0	52	37	319	2,860	7	0	22
<i>Simplified divorce</i>	5,972	5,862	0	7	241	0	5,608	0	0	6
<i>Ordinary dissolution</i>	4	3	0	0	0	1	2	0	0	0
<i>Simplified dissolution</i>	95	77	0	0	1	0	76	0	0	0
Exclusion order²	19	4	0	3	0	0	1	0	0	0
Interdict	292	152	1	39	15	31	55	0	0	11
Parental responsibilities & rights	2,582	1,571	0	432	82	477	468	6	3	103
<i>Contact</i>	1,281	646	0	285	32	230	56	3	2	38
<i>Residence</i>	729	476	0	62	27	134	209	1	1	42
<i>Other</i>	572	449	0	85	23	113	203	2	0	23
Other	330	197	8	49	13	34	82	0	0	11
Total	13,457	11,203	9	606	394	868	9,155	14	3	154

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

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

Table 8: Family-related summary application cases initiated and disposed of^{1,2} by case type and final disposal, 2014-15

Case type	Initiated	Disposed	Disposed					
			Granted	Dismissed	Refused	Dropped from roll	Withdrawn	Other
Adoption Petitions ³	425	423	414	2	1	0	2	4
Extend/vary interim order ⁴	2,704	1,943	1,647	38	10	141	19	88
Children's hearings – appeal ⁴	1,167	1,012	413	153	272	67	55	52
Children's hearings – referral ⁴	3,276	2,585	1,979	82	11	56	63	394
Children's Hearings Act 2011 - Other ⁵	868	488	416	12	48	5	4	3
Permanence orders with authority to adopt	346	268	251	1	5	0	2	9

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

2. The number of summary application cases disposed of is likely an underestimate. For more information see the Civil Justice Statistics in Scotland 2014-15 bulletin.

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

4. These case types represent equivalent actions from the Children (Scotland) Act 1995 and the Children's Hearings (Scotland) Act 2011. The statistics reported here differs from those reported by the Scottish Children's Reporter Administration due to differences in definition and timing.

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

Table 9: Divorces granted¹ in the civil courts by procedure, 2011-12 to 2014-15

Year	Court	Ordinary	Simplified	Total
2014-15	Court of Session	23	74	97
	Sheriff Court	3,361	5,572	8,933
	Total	3,384	5,646	9,030
2013-14	Court of Session	28	52	80
	Sheriff Court	3,691	5,854	9,545
	Total	3,719	5,906	9,625
2012-13	Court of Session	34	73	107
	Sheriff Court	3,940	5,647	9,587
	Total	3,974	5,720	9,694
2011-12	Court of Session	26	75	101
	Sheriff Court	4,053	5,749	9,802
	Total	4,079	5,824	9,903

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

Table 10: Dissolutions granted¹ in the civil courts by procedure, 2010-11 to 2014-15

Year	Court	Ordinary	Simplified	Total
2014-15	Court of Session	0	2	2
	Sheriff Court	3	76	79
	Total	3	78	81
2013-14	Court of Session	0	3	3
	Sheriff Court	7	51	58
	Total	7	54	61
2012-13	Court of Session	0	3	3
	Sheriff Court	4	60	64
	Total	4	63	67
2011-12	Court of Session	0	3	3
	Sheriff Court	3	40	43
	Total	3	43	46

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

Table 11: Debt cases initiated and disposed of¹ in the civil courts, by case type, 2008-09 to 2014-15

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	% change since 2013-14
Initiated	Court of Session	23	1	4	8	6	5	70	1,300
	Sheriff: ordinary cause	14,669	12,054	9,200	6,944	5,487	4,586	4,407	-4
	Sheriff: commercial	400	318	223	266	222	241	378	57
	Sheriff: summary cause	7,157	5,307	4,415	3,922	3,381	3,114	3,258	5
	Sheriff: small claim	43,549	38,251	31,533	29,110	26,803	27,444	25,642	-7
	Total initiated	65,798	55,931	45,375	40,250	35,899	35,390	33,755	-5
Disposed	Court of Session	28	16	2	2	2	6	4	-33
	Sheriff: ordinary cause	12,553	10,150	7,729	5,885	4,534	3,566	3,520	-1
	Sheriff: commercial	252	231	166	175	117	143	303	112
	Sheriff: summary cause	7,097	5,772	4,337	3,884	3,324	2,906	3,199	10
	Sheriff: small claim	38,594	40,347	31,026	28,934	26,023	25,876	26,319	2
	Total disposed	58,524	56,516	43,260	38,880	34,000	32,497	33,345	3

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

Table 12: Debt cases initiated and disposed of¹ in the civil courts, by case type and final disposal, 2014-15

Case type	Initiated	Disposed	Disposed							Other
			Absolvitor	Dismissed		For pursuer		Expenses only		
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Court of Session	70	4	2	0	0	0	2	0	0	0
Sheriff: ordinary cause	4,407	3,520	405	170	291	264	2,320	27	5	38
Sheriff: commercial	378	303	52	16	21	19	190	3	0	2
Sheriff: summary cause	3,258	3,199	119	99	762	62	2,078	6	16	57
Sheriff: small claim	25,642	26,319	570	586	8,835	258	15,475	17	369	209
Total	33,755	33,345	1,148	871	9,909	603	20,065	53	390	306

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

Table 13: Personal injury cases initiated and disposed of¹ in the civil courts², by case type, 2008-09 to 2014-15

Cases	Case type	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	% change since 2013-14
Initiated³	Road traffic accident	3,441	4,635	5,790	4,613	5,106	4,770	5,143	8
	Accident at work	1,921	1,844	1,802	1,750	1,758	1,797	1,817	1
	Clinical negligence	173	189	207	222	203	262	629	140
	Asbestos	242	541	345	294	436	320	458	43
	Other	1,211	2,557	955	931	1,190	1,138	1,163	2
	Total initiated	6,988	9,766	9,099	7,810	8,693	8,287	9,210	11
Disposed	Road traffic accident	1,588	2,977	4,607	4,619	4,130	3,893	3,970	2
	Accident at work	1,343	1,596	1,529	1,627	1,570	1,653	1,623	-2
	Clinical negligence	32	104	124	133	154	178	195	10
	Asbestos	214	181	168	216	365	598	633	6
	Other	2,193	1,343	1,074	1,775	1,444	1,079	941	-13
	Total disposed	5,370	6,201	7,502	8,370	7,663	7,401	7,362	-1

1. Figures for initiations and disposals do not necessarily refer to the same cases.
2. Includes Court of Session and sheriff court.
3. These statistics include minor revisions to initiated cases in the Court of Session.

Table 14: Personal injury cases¹ initiated and disposed of in the Court of Session, 2014-15

Case type	Initiated	Disposed	Disposed							
			Absolutor	Dismissed		For pursuer		Expenses only		Other
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Accident at work	923	952	631	3	1	282	10	2	0	23
Road traffic accident	686	747	426	2	0	269	10	2	0	38
Clinical negligence	545	131	108	1	1	17	1	0	0	3
Asbestos	449	621	446	10	2	144	4	1	0	14
<i>Live mesothelioma</i>	39	32	20	0	0	10	0	0	0	2
<i>Post mesothelioma</i>	70	54	32	0	0	19	1	0	0	2
<i>Pleural plaques</i>	215	383	289	6	1	78	3	0	0	6
<i>Pleural thickening</i>	32	36	24	0	0	10	0	1	0	1
<i>Other</i>	93	116	81	4	1	27	0	0	0	3
Repetitive strain injury	47	19	9	0	0	9	1	0	0	0
Vibration white finger	3	30	16	1	0	13	0	0	0	0
Relative's claim	2	5	3	0	0	2	0	0	0	0
Other	360	336	231	2	0	84	6	0	0	13
Total	3,015	2,841	1,870	19	4	820	32	5	0	91

1. These statistics relate to cases that use personal injury procedure and standard ordinary cause procedure.

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

Table 15: Ordinary cause personal injury cases initiated and disposed of^{1,2} in the sheriff courts, 2014-15

Case type	Initiated	Disposed	Disposed							
			Absolutor	Dismissed		For pursuer		Expenses only		Other
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Road traffic accident	2,054	1,504	529	26	15	826	88	10	0	10
Accident at work	581	369	182	8	5	154	9	9	0	2
Clinical negligence	80	60	42	11	3	1	1	0	0	2
Asbestos	9	12	9	0	0	3	0	0	0	0
Relative's claim	7	7	4	2	0	0	0	0	0	1
Vibration white finger	5	2	1	1	0	0	0	0	0	0
Repetitive strain injury	2	2	2	0	0	0	0	0	0	0
Other	497	373	220	16	10	96	19	8	0	4
Total	3,235	2,329	989	64	33	1,080	117	27	0	19

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 of¹ in the sheriff courts, 2014-15

Case type	Initiated	Disposed	Disposed							
			Absolvitor	Dismissed		For pursuer		Expenses only		Other
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Road traffic accident	2,403	1,719	685	68	437	185	292	17	4	31
Accident at work	313	302	139	12	54	39	47	5	1	5
Clinical negligence	4	4	0	0	3	0	1	0	0	0
Relative's claim	1	0	0	0	0	0	0	0	0	0
Vibration white finger	0	1	0	0	0	1	0	0	0	0
Repetitive strain injury	3	1	0	0	0	0	1	0	0	0
Other	236	165	80	8	31	15	28	1	0	2
Total	2,960	2,192	904	88	525	240	369	23	5	38

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

Table 17: Damages cases initiated and disposed of¹ in the civil courts, by case type, 2008-09 to 2014-15

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	% change since 2013-14
Initiated	Court of Session ²	337	527	299	304	357	369	286	-22
	Sheriff: ordinary cause	738	791	630	491	496	447	400	-11
	Sheriff: commercial	38	54	163	37	34	51	46	-10
	Sheriff: summary cause	434	561	453	488	382	441	271	-39
	Sheriff: small claim	3,080	2,918	2,586	2,364	2,009	1,887	1,348	-29
	Total initiated	4,627	4,851	4,131	3,684	3,278	3,195	2,351	-26
Disposed	Court of Session ²	206	198	292	291	298	359	355	-1
	Sheriff: ordinary cause	1,415	666	595	675	623	435	304	-30
	Sheriff: commercial	29	26	18	30	8	16	24	50
	Sheriff: summary cause	410	450	457	452	383	340	287	-16
	Sheriff: small claim	2,409	2,710	2,397	2,149	1,982	1,758	1,380	-22
	Total disposed	4,469	4,050	3,759	3,597	3,294	2,908	2,350	-19

1. Figures for initiations and disposals do not necessarily refer to the same cases.
2. Includes ordinary and commercial cases.

Table 18: Damages cases initiated and disposed of¹ in the civil courts, by case type and final disposal, 2014-15

Court type	Case type	Initiated	Disposed	Disposed							
				Absolvitor	Dismissed		For Pursuer		Expenses Only		Other
					Defended	Undefended	Defended	Undefended	Defended	Undefended	
Court of Session	Ordinary	234	241	151	48	1	26	9	0	0	6
	Commercial	52	114	59	6	2	15	4	2	0	26
	Court of Session total	286	355	210	54	3	41	13	2	0	32
Sheriff courts	Small claim	1,348	1,380	429	50	579	21	283	4	8	6
	Ordinary cause	400	304	170	16	10	48	50	4	2	4
	Summary cause	271	287	106	17	99	9	45	0	1	10
	Commercial	46	24	22	0	0	0	2	0	0	0
	Sheriff courts total	2,065	1,995	727	83	688	78	380	8	11	20
Civil courts total	2,351	2,350	937	137	691	119	393	10	11	52	

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

Table 19: Repossession cases initiated and disposed of¹ in the sheriff courts, by procedure, 2008-09 to 2014-15

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	% change since 2013-14
Initiated	Ordinary cause	10,135	8,256	4,245	79	64	54	67	24
	Commercial	0	6	4	0	0	1	0	-100
	Summary application	6	4	975	6,673	5,321	4,715	3,201	-32
	Total initiated	10,141	8,266	5,224	6,752	5,385	4,770	3,268	-31
Disposed	Ordinary cause	7,181	6,476	5,083	253	90	74	61	-18
	Commercial	1	4	1	3	0	0	1	n/a
	Summary application ²	0	6	489	3,987	4,003	3,386	2,597	-23
	Total disposed	7,182	6,486	5,573	4,243	4,093	3,460	2,659	-23

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.

Table 20: Summary application repossession cases initiated and disposed of^{1,2} in the sheriff courts, by case type and final disposal, 2014-15

Case Type	Initiated	Disposed	Disposed		
			Granted	Dismissed	Other³
Repossession summary application	3,201	2,597	1,821	756	20

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

Table 21: Eviction cases initiated and disposed of¹ in the sheriff courts, 2008-09 to 2014-15

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	% change since 2013-14
Initiated	Summary cause	19,944	16,528	14,160	13,979	10,532	11,778	13,750	17
Disposed	Summary cause	19,191	16,986	14,906	13,972	12,358	11,613	12,892	11

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

Table 22: Summary cause eviction cases initiated and disposed of^{1,2} in the sheriff courts, by case type and final disposal, 2014-15

Case Type	Initiated	Disposed	Disposed							
			Absolvitor	Dismissed		For pursuer		Expenses only		Other
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Eviction summary cause	13,750	12,892	15	425	3,320	317	6,863	111	1,695	146

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

Table 23: Petitions for judicial review initiated and disposed of^{1,2} in the Petition Department of the Court of Session, 2008-09 to 2014-15

		2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	% change since 2013-14
Initiated	Judicial Review								
	<i>Environmental</i>	0	0	2	2	1	3	4	33
	<i>Housing</i>	2	1	4	1	0	1	2	100
	<i>Immigrants</i>	177	210	266	195	224	231	323	40
	<i>Licensing Board</i>	0	1	1	0	1	1	1	0
	<i>Planning Permission</i>	5	10	8	11	8	6	12	100
	<i>Prison Authorities</i>	18	107	7	3	10	17	17	0
	<i>Social Security Benefits</i>	0	0	0	0	1	0	1	n/a
	<i>Other</i>	30	49	54	31	48	49	39	-20
	Total	232	378	342	243	293	308	399	30
Disposed	Judicial Review								
	<i>Environmental</i>	0	0	1	2	1	2	0	-100
	<i>Housing</i>	5	1	3	1	0	1	1	0
	<i>Immigrants</i>	153	168	182	267	229	203	229	13
	<i>Licensing Board</i>	1	1	0	2	0	1	1	0
	<i>Planning Permission</i>	4	7	5	11	12	4	7	75
	<i>Prison Authorities</i>	15	18	12	95	101	19	10	-47
	<i>Social Security Benefits</i>	0	0	0	0	1	0	1	n/a
	<i>Other</i>	34	32	39	34	26	40	38	-5
	Total	212	227	242	412	370	270	287	6

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

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