

CRIME AND JUSTICE

Civil Justice Statistics in Scotland 2016-17

28 August 2018

1. Executive Summary	5
2. Introduction.....	7
Important notes on the use of civil justice statistics	9
3. History of civil law court cases	10
Sheriff courts	10
Court of Session	11
4. Recent trends in civil justice	12
Scottish Crime and Justice Survey - civil justice module	12
Courts statistics - overview	13
Court of Session	14
Sheriff courts	15
Sheriff Personal Injury Court.....	16
Civil legal aid	16
5. Courts Reform	18
Tribunals	21
6. Family	22
Family law in Scotland	22
Scottish Crime and Justice Survey.....	22
Courts statistics - overview	22
Court of session	23
Sheriff courts	23
Divorce and dissolution of a civil partnership.....	24
Divorce and dissolution statistics.....	25
7. Debt.....	27
Debt actions in Scotland	27
Scottish Crime and Justice Survey.....	27
Courts statistics	27
8. Personal injury	29
Personal injury in Scotland	29
Scottish Crime and Justice Survey.....	29
Courts statistics	29
9. Damages.....	32
Damages in Scotland	32
Courts statistics	32
10. Repossession.....	34
Repossession in Scotland.....	34

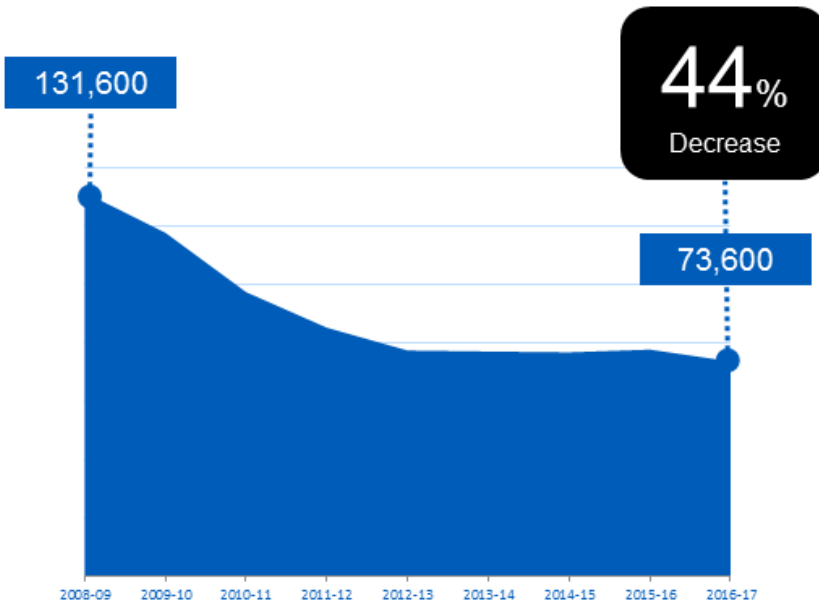
Courts statistics	34
11. Eviction	36
Eviction in Scotland	36
Courts statistics	36
12. Recent changes to civil legislation	38
Children’s hearings	38
Courts Reform	38
Marriage and civil partnership.....	38
Repossession	38
Eviction	39
Personal injury - asbestos.....	39
13. Civil courts and procedures in Scotland.....	40
Sheriff courts	40
Court of Session.....	43
Specialist courts and tribunals	43
More information	44
14. Quality of the statistics	45
Overview.....	45
Comparability of data	45
Ordinary cause	46
Summary application.....	46
Court of Session – personal injury cases.....	46
Divorce and dissolution data sources.....	46
15. Definitions.....	48
Civil law case types	48
Disposal types (first instance).....	52
Disposal types (appeals and reclaiming motions)	53
Glossary.....	54
16. Statistics tables.....	56

Civil Justice Statistics in Scotland 2016-17



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

► **THE NUMBER OF CIVIL LAW CASES INITIATED HAS DECREASED OVERALL FOR MOST CASES TYPES SINCE 2008-09**



Divorces:

The number of divorces has been slowly decreasing from around 13,400 in 1985 to 8,500 in 2016

2008	11,500
2009	10,400
2010	10,100
2011	9,900
2012	9,900
2013	9,600
2014	9,000
2015	9,000
2016	8,500

26%

Decrease since 2008



Debt cases made up around 42% of initiated cases in 2016-17



54%



30,600 Debt Cases
Nearly halved since 2008-09



28%



14,300 Evictions
Decrease since 2008-09



20%



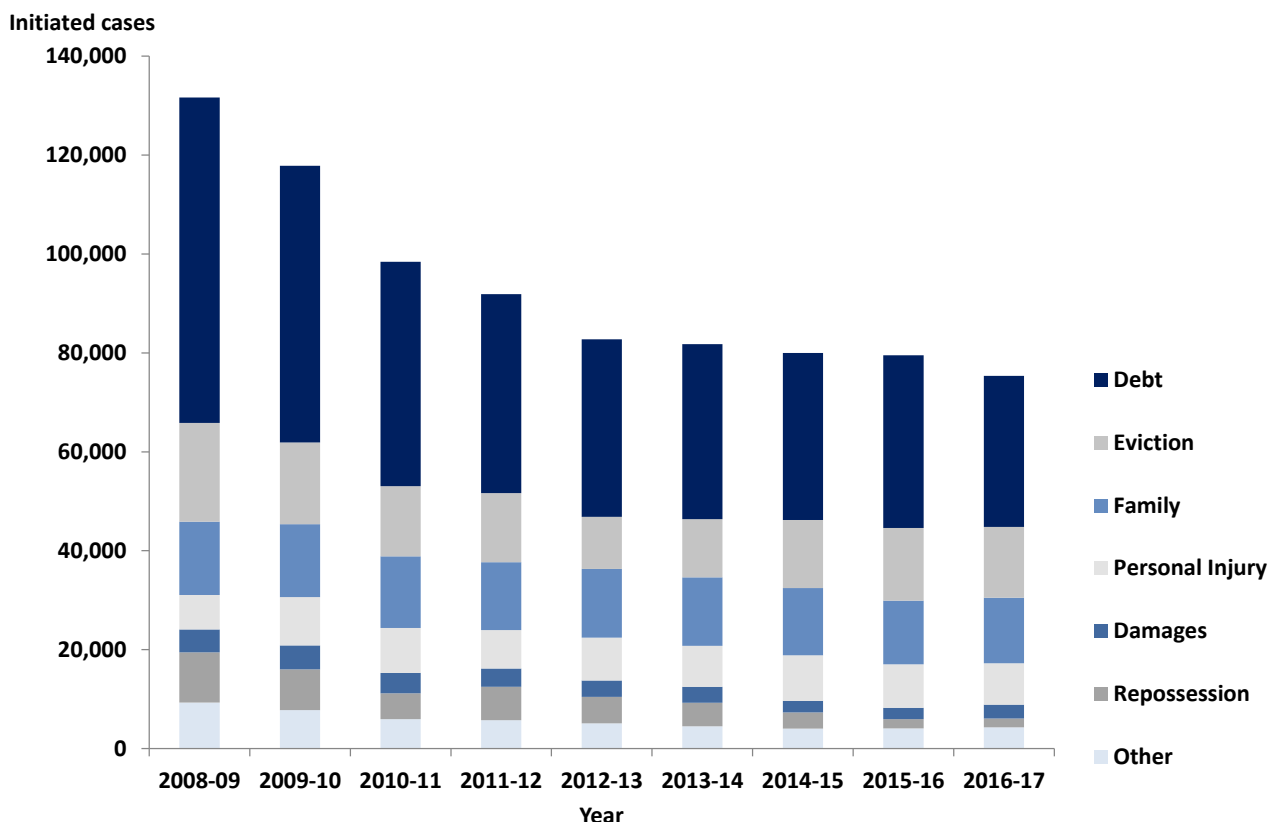
8,400 Personal injury
Increase since 2008-09

All figures are rounded to the nearest 100

Justice Analytical Services

1. Executive Summary

Figure 1: Civil law cases initiated, by case type, 2008-09 to 2016-17



There were 73,640 **civil law cases** initiated across the Court of Session, sheriff courts and the newly established Sheriff Personal Injury Court in 2016-17 (excluding summary applications¹). This is a drop of 5% from the previous year, continuing the long term decrease of 44% since 2008-09². The number of cases initiated in 2016-17 is the lowest since 2008-09.

Compared to the previous year, the number of cases initiated in the **Court of Session** decreased by 48%. This overall decrease was driven by a 74% decrease in the number of personal injury cases initiated in the Court of Session, as a consequence of the establishment of the Sheriff Personal Injury Court under the Courts Reform (Scotland) Act 2014. In comparison, the number of cases initiated in the **sheriff courts** also decreased although by a lower proportion of 5%.

Following a consistent decrease since 2008-09, there has been a small increase in **family cases** of 3% from the previous year. However, the long term trend is a decrease of 11%. Divorce / dissolution cases and parental responsibilities and rights cases together accounted for 95% of family cases in 2016-17.

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

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

Debt cases made up 42% of all civil court cases initiated in 2016-17. There were 12% fewer debt cases than in 2015-16 and 54% fewer than in 2008-09.

The number of **personal injury** cases initiated in the civil courts was 4% lower than in 2015-16, but the number of personal injury cases has fluctuated markedly since 2008-09. Cases resulting from a road traffic accident made up the majority of personal injury cases (59% in 2016-17).

The number of **damages** cases initiated increased by 22% compared to the previous year. However, long-term they are on a downward trend, having fallen by 39% since 2008-09.

There was a 6% drop in initiated cases of **repossession**³ following a breach of a mortgage or loan secured on a property compared to 2015-16. This continues a long-term downward trend (83% decrease since 2008-09).

Initiated cases involving **eviction** of tenants from a rented property decreased by 3% in 2016-17, this was in contrast to a consistent increase in the previous three years. However, overall the number of cases are still 28% lower than in 2008-09.

All **sheriffdoms** in Scotland have seen an overall drop in the number of cases initiated and disposed of in sheriff courts since 2008-09. Between 2015-16 and 2016-17, Lothian and Borders saw the largest decrease in initiated cases (-12%), while Glasgow and Strathkelvin saw the only rise (+6%).

The 2016-17 Scottish Crime and Justice Survey shows that nearly **three in ten adults were estimated to have experienced at least one civil law problem** during the previous three years. The most common type of issues were disputes with neighbours (14%), followed by problems with faulty goods or services, and money and debt issues, both at 4%.

³ Including summary applications.

2. Introduction

Civil justice is concerned with the rights and obligations of people and organisations. One way of resolving civil law disputes is for a case to be brought to court. In Scotland, civil law cases are usually conducted in a sheriff court or the Court of Session. Common types of cases where civil law applies include debt, divorce and claims for personal injury.

The primary focus of this bulletin is on civil law cases in sheriff courts and the Court of Session in the financial year 2016-17. This is supported by an overview of civil court structure and procedures, a description of recent changes in legislation, a historical overview of the volume of civil law cases and a list of definitions. Civil justice statistics from the Scottish Legal Aid Board and the Scottish Crime and Justice Survey are also mentioned to provide further context. The civil justice statistics discussed in this bulletin do not include [Tribunals](#) cases.

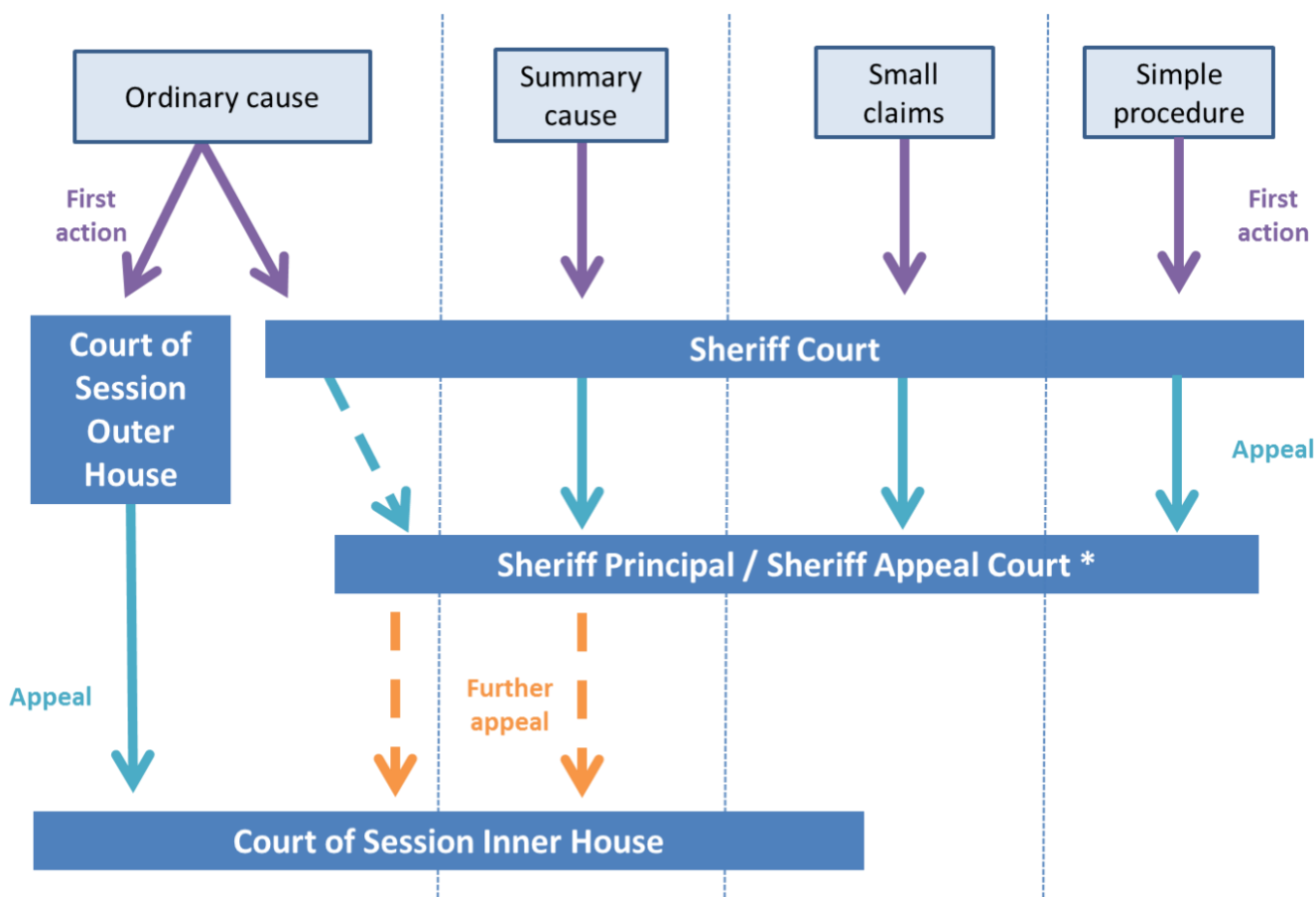
Civil law statistics are used within the Scottish Government to inform decisions and policy-making and to monitor the impact of policies following their implementation. The statistics are also used for resource allocation by the Scottish Courts and Tribunals Service, and to support third sector activity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

In addition to this bulletin, the 2016-17 Civil Justice Statistics in Scotland release includes:

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

Up until 28 November 2016, civil law court cases were carried out mainly using one of three procedures: ordinary cause, summary cause or small claims. In November 2016, the first phase of the new simple procedure was introduced into the sheriff court, this procedure replaces the small claims and the more straightforward cases under summary cause procedure. Sheriff courts also handle summary applications, which are generally applications set out in legislation, 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 2](#), although it should be noted that this diagram is somewhat simplified. More information can be found in the [Civil courts and procedures in Scotland](#) section. It should also be noted that court structure and procedures in Scotland are changing due to the reforms introduced by the [Courts Reform \(Scotland\) Act 2014](#), which are described in more detail in [Courts Reform](#) section. [Figure 2](#) shows the current court structure and procedures.

Figure 2: Summary of court structure



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

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

Recent changes brought in by the Courts Reform (Scotland) Act 2014 affect the statistics presented in this bulletin. The bulletin now includes statistics on the newly established Sheriff Personal Injury Court ([Table 17](#)), civil law appeals within the Sheriff Appeal Court

([Table 25](#)) and permission on civil applications to the Court of Session to appeal to the UK Supreme Court ([Table 26](#)).

Important notes on the use of civil justice statistics

The civil law court statistics presented in this bulletin relate only to the [principal crave](#) of cases. An individual case can involve a number of different case types. The case type which is listed first on the [writ](#) is normally known as the principal crave and the others are described as ancillary craves. The feasibility of publishing statistics on ancillary craves in future editions is being investigated.

The large variety of case types and procedural outcomes that can be pursued in civil law mean that recording and reporting civil law court cases accurately and reliably is a challenge. One consequence is that the number of [ordinary cause](#) and [summary application](#) cases disposed of in the sheriff court as recorded by the CMS system is an underestimate. Further work will be carried out by the Scottish Courts and Tribunals Service to determine if the disposals underestimate issue still prevails with the iCMS system. There is no evidence of any significant inaccuracies in the data for [summary cause](#) and [small claims](#) cases. More information about accuracy of the statistics and further guidance on use of the statistics is available from the [Quality of the statistics](#) section.

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

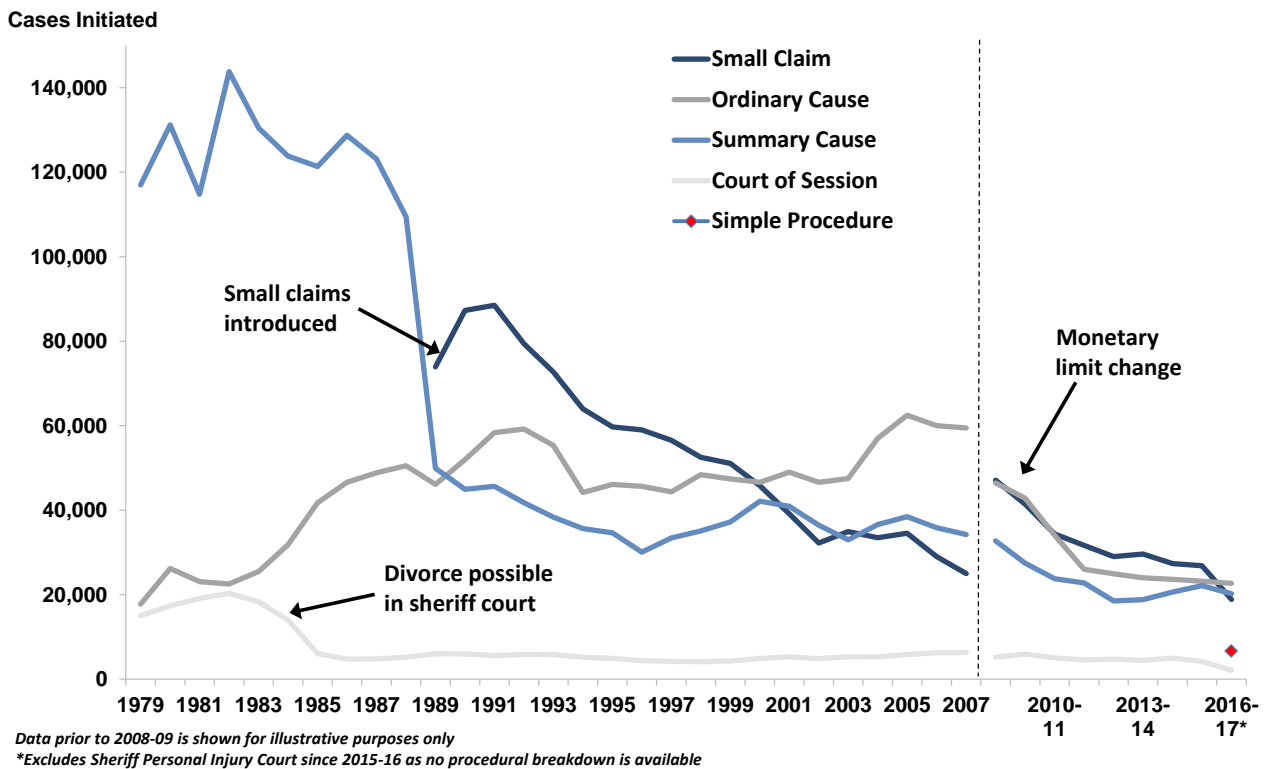
All statistics in this release are presented for financial years (1 April to 31 March) except where otherwise stated.

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

3. History of civil law court cases

The volume of civil law court cases in Scotland has changed markedly over the past four decades (Figure 3).⁴

Figure 3: Number of civil law court cases since 1979



Sheriff courts

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

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

Simple procedure amalgamated small claim and the most straightforward types of cases found under summary cause procedures, and was introduced part way through 2016-17. The more complex types of summary cause cases will come under simple procedure at a

⁴ Data prior to 2008-09 cannot be compared directly with later data, and is discussed here only to provide historical context. For more information, see the [Quality of the statistics](#) section.

future date. Cases registered prior to the commencement of simple procedure are dealt with in line with the procedure in place at that time. It is designed to provide a speedy, inexpensive and informal way to resolve disputes where monetary value does not exceed £5,000. It has already resulted in a drop in the number of cases dealt with under small claim and summary cause procedures.

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

Court of Session

The **Court of Session** handles a much lower volume of cases than the sheriff courts. In 1982, over 20,000 cases were initiated in the Court of Session, but this rapidly dropped between 1983 and 1985 when divorce in the sheriff courts became possible from 1 May 1984, and has stayed between approximately 4,000 and 6,000 cases a year until 2015-16, before falling to 2,250 in 2016-17. The latest decrease is mainly a result of the establishment of the Sheriff Personal Injury Court which led to a 74% decrease in personal injury cases initiated in the Court of Session.

Overall, the total number of civil law cases going through the courts each year has been decreasing since 1991 and fell below 100,000 cases for the first time in 2010. In recent years, the biggest falls have been in repossession, debt and damages. The general trend is a decrease in total number of civil law cases initiated although at a slower pace than earlier years.

4. Recent trends in civil justice

There were 73,640 civil law cases initiated in 2016-17, a small decrease from numbers recorded in the last four years

93% of civil law cases were raised in the sheriff courts (excluding Sheriff Personal Injury Court), and 33% of these were ordinary cause

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

Data from the 2016-17 Scottish Crime and Justice Survey shows that civil law problems were estimated to have been experienced by around three in ten of the adult population during the previous three years

Scottish Crime and Justice Survey - civil justice module

The Scottish Crime and Justice Survey (SCJS)⁵ includes questions on experience of and response to civil law problems. In 2016-17, respondents were asked if they had experienced any of a list of named problems or disputes in the three years prior to interview⁶. They were then asked whether they had attempted to solve them.

The problem areas covered were:

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

The 2016-17 SCJS shows that around three in ten adults (29%) were estimated to have experienced at least one of the civil law problems asked about in the last three years. This is an increase from the 21% reported in 2014-15, but similar to the 30% reported in the 2008-09 SCJS⁷.

Among the problem areas listed above, 19% of adults had experienced problems with home or family living arrangements, 10% had experienced problems with money, finances or anything they had paid for, 5% had been treated unfairly in some respect and 4% had experienced health or well-being problems.

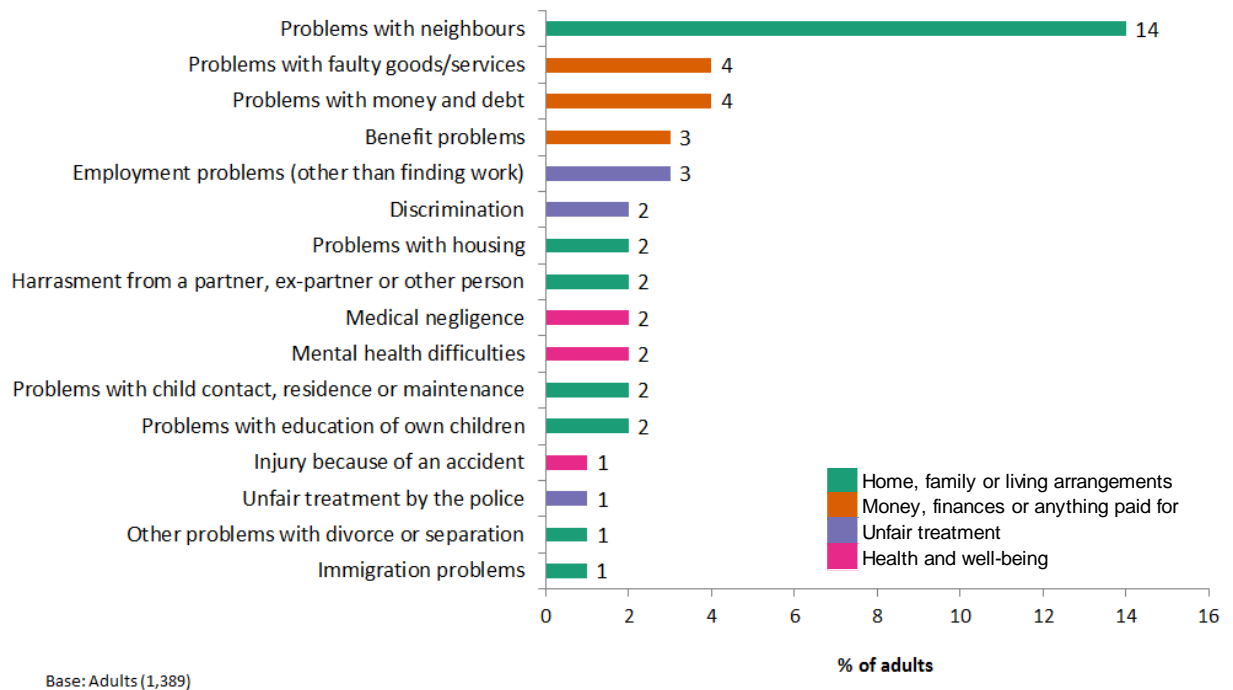
The most common single problem was with neighbours, experienced by 14% of adults. The next most common civil law problems involved faulty goods or services (4%) or money & debt (4%). A more detailed breakdown is shown in [Figure 4](#).

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

⁶ Information on the [SCJS questionnaire](#).

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

Figure 4: Experience of civil law problems: SCJS 2016-17



When we consider only those that had experienced one or more civil law problems in the last three years, over a third (36%) said a problem concerning neighbours was their most important or only problem to solve. The next most important problems involved faulty goods or services (10%) or money and debt (7%).

Thirty-one per cent of these problems began less than 12 months ago, a further 18% over a year but less than two years ago, 20% over two years but less than three years ago and 30% over three years ago.

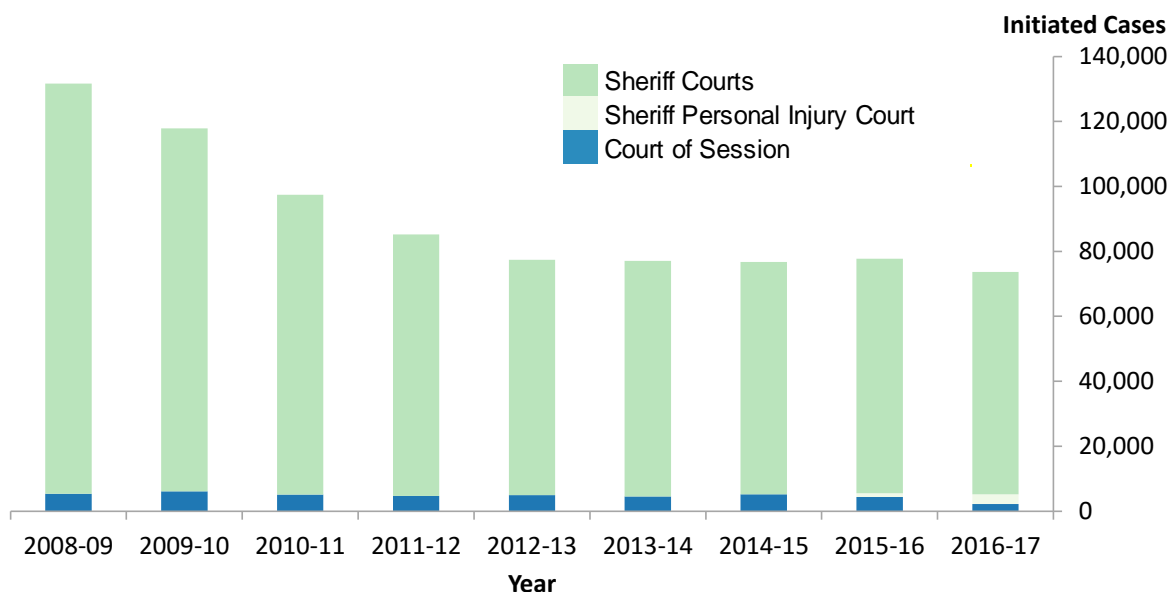
Around half (47%) had resolved the problem, while just under a third (32%) were still trying to resolve the problem. One in ten had tried to resolve the problem but had to give up (10%) and 9% were not planning to do anything.

Some groups in the population were more likely to experience civil law problems than the general population. For example, an estimated 36% of those who are disabled experienced a civil law problem compared with 27% of those who are not disabled. Victims of crime are also most likely to experience any civil law problem (47%) compared with non-victims (26%).

Courts statistics - overview

There were 73,640 civil law cases initiated across the Court of Session, sheriff courts and Sheriff Personal Injury Court in 2016-17 (not including summary applications) (Table 1). This is a 5% drop from the previous year, and is 44% lower than in 2008-09. The number of cases initiated in 2016-17 was lower than the relatively stable trend in the last four years. This decrease continues the overall downward trend observed since 2008-09. Figure 5 shows a breakdown of these initiated cases.

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



There were 66,895 disposals of civil law cases in 2016-17 (Table 1). This is 6% lower than the number of cases disposed of in 2015-16 and 42% lower than in 2008-09. The trends in initiations and disposals are similar.

The year-on-year change in case numbers was not consistent across courts, sheriffdoms or case types in 2016-17. The number of cases initiated in the sheriff courts decreased in line with the overall trend while the Court of Session saw a much steeper decrease due to more personal injuries cases moving to the Sheriff Personal Injury Court. The Court of Session decreased by 48% (Table 2), while for cases in the sheriff courts the decrease was 5% (Table 3). There was also variation within sheriffdoms, as all except Glasgow and Strathkelvin handled fewer cases, compared to the previous year (Table 4). The case type mix for initiations has also changed with an increase in family and damages cases, but a drop in personal injury, eviction, repossession and particularly debt cases (Table 27).

Debt makes up the largest category (42%) of civil law cases handled by the courts in Scotland (Table 11). Eviction (Table 22) and family (Table 5) make up the next largest categories followed by personal injury (Table 13), damages (Table 18) and repossession (Table 20).

Court of Session

There were 2,251 cases initiated in the Court of Session in 2016-17, a 48% decrease since 2015-16, and the lowest number of initiated cases since 2008-09. In 2016-17, 3,162 cases were disposed of (Table 2).

The Sheriff Personal Injury Court was established on 22 September 2015. On the same date, the minimum value of actions that can be raised in the Court of Session was raised from £5,000 to £100,000 (see Courts Reform section for more information). These measures were expected to change the distribution of personal injury cases so that the majority of personal injury cases that would have previously been raised in the Court of Session would instead be raised in the Sheriff Personal Injury Court (although personal

injury cases may also continue to be raised in local sheriff courts). The statistics presented in this bulletin indeed show a 74% decrease in the number of personal injury cases initiated in the General Department of the Court of Session in 2016-17 compared to 2015-16 ([Table 14](#), [Civil Justice Statistics in Scotland 2015-16 Table 14](#)), driving the aforementioned overall decrease in the number of cases initiated in the Court of Session. Personal injury cases still make up 54% of civil law cases initiated in the General Department in 2016-17 ([Table 2](#), [Table 14](#)), down from 72% in 2015-16 ([Table 2](#), [Civil Justice Statistics in Scotland 2015-16 Table 14](#)).

The Court of Session also deals with judicial review. This is a specialised type of court procedure that can be used to challenge the way a person or body with power or authority has made a decision. There were 343 judicial review cases initiated in 2016-17, a 31% drop since 2015-16. However, the peak in 2015-16 is explained in part due to a rise in number of judicial reviews ahead of the rules changing in September 2015. The rule changes are explained in the [Courts Reform](#) section. The recent drop follows increases in the previous four years ([Table 24](#)). Court actions for judicial review cover a range of different matters including planning permission and environmental cases. However, the majority of judicial review cases relate to immigration.

Sheriff courts

In 2016-17, there were 68,433 civil law cases initiated and 62,370 cases disposed of in the sheriff courts ([Table 3](#)). Both the number of cases initiated and disposed of decreased from last year, having remained relatively stable in the previous four years. Cases initiated have decreased by 46% since 2008-09, disposals have decreased by 44% in the same period.

All sheriffdoms in Scotland have seen a drop in the number of cases initiated and disposed of since 2008-09 ([Table 4](#)). Between 2015-16 and 2016-17, Lothian and Borders sheriffdom saw the largest decrease in initiated cases (12%), with Tayside, Central and Fife sheriffdom (9%) and North Strathclyde sheriffdom (6%) both recording fewer cases. The only sheriffdom to record an increase in the number of initiated cases since 2015-16 was Glasgow and Strathkelvin (6%). South Strathclyde, Dumfries and Galloway sheriffdom recorded the highest number of sheriff court cases initiated in 2016-17 at 13,400 cases.

The National Records of Scotland [mid-2016 population estimates](#) were used to create population estimates for each sheriffdom ([Supplementary Table S13](#)). These estimates were then used to calculate the number of cases initiated and disposed of per 1,000 population. This allows direct comparison of the incidence of civil law cases in each sheriffdom. The overall number of cases initiated across Scotland was 13 for every 1,000 people in 2016-17 ([Table 4](#)). This rate is broadly similar across all sheriffdoms, with Glasgow and Strathkelvin having the highest rate (17 per 1,000).

There was a large variation in the number of civil law cases dealt with by individual sheriff courts in Scotland in 2016-17 ([Supplementary Table S1](#)). The number of cases handled by Glasgow Sheriff Court increased compared to the previous year and still had by far the largest number of cases initiated (12,514), followed by Edinburgh Sheriff Court (7,642). Courts in the more rural parts of Scotland dealt with far fewer cases, with Lochmaddy having the lowest number of cases initiated in 2016-17 (48 cases). A map showing the location of sheriff courts in Scotland is shown in [Figure 14](#).

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 2016-17, 22,586 ordinary estates were confirmed with an average value of £247,131 ([Supplementary Table S6](#)). There were also 1,947 small estates confirmed, with an average value of £22,767.

Sheriff Personal Injury Court

There were 2,956 personal injury cases initiated in the Sheriff Personal Injury Court in 2016-17 ([Table 1](#)). This is the first full financial year in which this court has been operational since its establishment on 22 September 2015. More information can be found in the [Courts Reform](#) section.

Civil legal aid

The Scottish Legal Aid Board (SLAB) administers legal aid, which is paid for out of public funds and helps towards the costs of legal advice and representation for those who qualify. It is designed to help individuals who would be unable to pay on their own to gain access to the legal system. In 2016-17, civil legal assistance made up around a third of the net total legal assistance expenditure in Scotland (the other two thirds being mostly criminal but also children's legal assistance and grant funded programmes).

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 made up 16% of the number of grants of civil legal assistance. Civil legal aid cases cost more than other types of civil legal assistance, but they also produce large amounts of income. Therefore net expenditure on civil legal aid makes up slightly more than half of the total expenditure on civil legal assistance. Demand for and expenditure on civil legal aid has decreased in recent years. [Figure 6](#) shows that demand (as measured by applications) peaked in 2009-10 following rises in the previous two years. Demand then fell overall until 2014-15 and has remained stable since then.

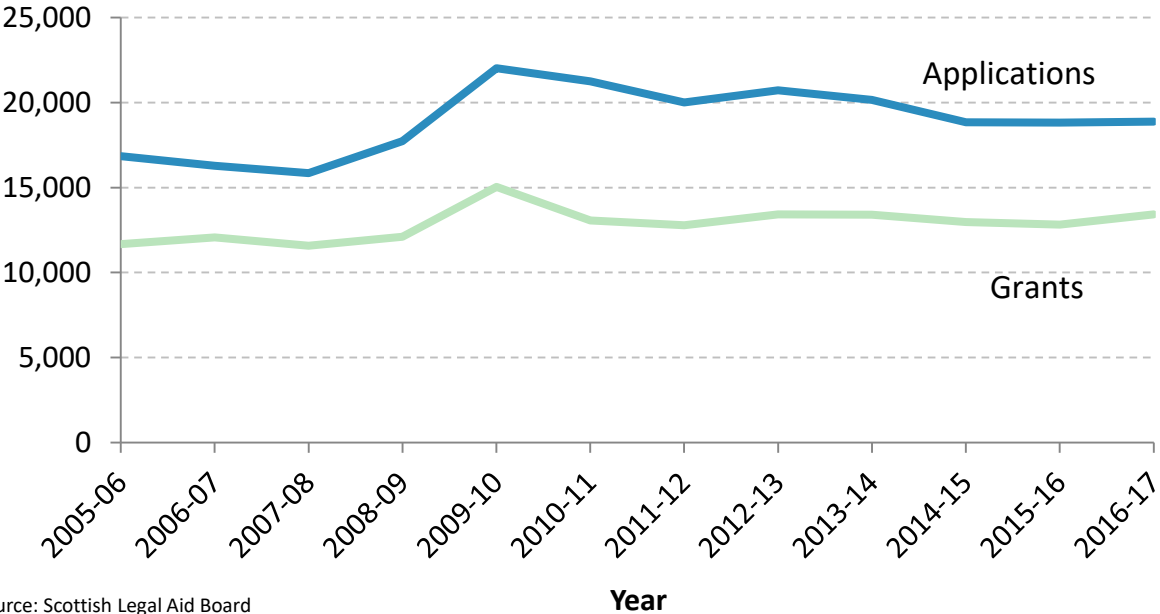
In 2016-17, there were 13,425 civil legal aid grants, the vast majority of which for cases in the sheriff courts. After steadily rising for over 10 years, legal aid grants in relation to intervention orders and guardianship orders under Part 6 of the [Adults with Incapacity \(Scotland\) Act 2000](#) now represent the largest category of legal aid certificates issued, at 33% of all grants. The next largest category is contact/parentage, which accounted for 21% of all grants in 2016-17.

SLAB manages three grant funded programmes which include 102 different projects across Scotland to enable support for people affected by repossession, eviction, debt problems and benefits disputes. In 2016-17 these programmes enabled 28,595 new clients to access help, including representation at court or tribunal on 8,103 occasions.

Further information and data on legal aid is available from the [Scottish Legal Aid Board Annual Report 2016-17](#).

Figure 6: Civil legal aid applications and grants

Number of cases



Source: Scottish Legal Aid Board

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

5. Courts Reform

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

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

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

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

Reforms implemented prior to 1 April 2017 affect the statistics presented in this bulletin (2016-17). The bulletin now includes statistics on the newly established Sheriff Personal Injury Court ([Table 17](#)), civil appeals to the new Sheriff Appeal Court ([Table 25](#)) and the new requirement for permission to appeal to the UK Supreme Court against decisions of the Court of Session ([Table 26](#)).

1 April 2015

- **The Scottish Courts and Tribunals Service**

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

22 September 2015

- **Exclusive Competence of Sheriff Courts**

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

In 2016-17, there were small decreases in the number of initiated and disposed cases within the sheriff courts. This compares with even larger decreases of 48% and 28% in initiated and disposed cases respectively within the Court of Session. This decrease has been driven mainly by a fall in the activity of the General Department of the Court of Session particularly personal injury claims moving to the new Sheriff Personal Injury Court.

- **Sheriff Personal Injury Court**

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

There have been 2,956 cases initiated within the Sheriff Personal Injury Court in 2016-17 ([Table 17](#)). These are made up of mainly Accident at Work cases (1,135) and Road Traffic Accident cases (832). Over the same period 1,363 cases were disposed of, mainly Accident at Work cases (548) and Road Traffic Accident cases (438). The redistribution of cases to this new Court has contributed to the decrease in the number of personal injury cases raised in the Court of Session and ordinary sheriff courts. Across the three courts where Personal Injury cases can be heard, a total of 8,378 cases were initiated in 2016-17.

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

The Courts Reform (Scotland) Act 2014 sets out new provisions for bringing civil appeals from the Court of Session to the UK Supreme Court. Permission from judges is now required before these cases can reach the UK's highest court. This means that any party wishing to overturn a decision from the Inner House of the Court of Session must seek permission beforehand. If the Inner House refuses, the party can seek permission from the Supreme Court directly. In effect, the changes mean that appeals from Scotland to the Supreme Court are now subject to the same rules as appeals from other parts of the UK.

In 2016-17, 41 civil law applications were initiated under the new provisions for bringing appeals to the UK Supreme Court ([Table 26](#)). During this period, all applications were disposed of by the Inner House of the Court of Session (31 refused, 7 granted and 3 withdrawn).

- **Judicial Review**

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

1 January 2016

- **Sheriff Appeal Court (Civil)**

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

In 2016-17, 286 civil appeals were initiated in the Sheriff Appeal Court, of which 175 cases were raised under ordinary cause (including summary applications) ([Table 25](#)). Family and debt cases were the most common and made up 16% and 14% of all appeals respectively. Over the same period, 169 appeals were disposed of.

1 April 2016

- **Summary Sheriffs**

New Summary Sheriffs were created with a more limited jurisdiction than that applicable to existing sheriffs in that they are limited to dealing with cases of value less than £5,000. Summary Sheriffs are able to deal with the following proceedings: family; domestic abuse; adoption; children's' hearings; forced marriage; warrants and interim orders; diligence proceedings; extension of time to pay debts and simple procedure. They have been introduced in order to ensure that civil cases are heard at the most appropriate levels within the court structure, enabling sheriffs to focus on solemn business and more complex criminal cases.

28 November 2016

- **Simple Procedure (phase one)**

The new simple procedure is replacing the current small claims and summary cause procedures, applying to cases with a value less than £5,000. Simple procedure has been designed to be efficient, inexpensive and informal so that parties can represent themselves in these lower monetary value cases. Simple procedure is mainly dealt with by the new summary sheriffs also introduced by the Act. A second phase of simple procedure is expected to follow in 2019, covering certain types of actions not covered by the first phase such as personal injury cases.

The above changes are not an exhaustive list of all the changes arising from the Courts Reform (Scotland) Act 2014. Transitional arrangements apply to all of the reforms described. More information on the Act can be found at the [Scottish Courts and Tribunals Service](#).

Tribunals

Separately from the reforms introduced by the Courts Reform (Scotland) Act 2014, the structure of devolved tribunals is currently being reformed by provisions in the [Tribunals \(Scotland\) Act 2014](#), which created two new tribunals - the First-tier Tribunal for Scotland and the Upper Tribunal for Scotland, known collectively as the Scottish Tribunals.

Devolved tribunals that transfer-in to the First-tier are grouped together in themed Chambers, with appeal to the Upper Tribunal. Onwards appeal is to the Inner House of the Court of Session. Tribunals will transfer-in on a phased basis. The first Chamber became operational in December 2016 dealing with Housing and Property matters. It was joined by the Tax Chamber in 2017 and the Health and Education Chamber and the General Regulatory Chamber in early 2018. At present, the process of tribunal transfers is due to run until 2022.

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

Whilst the Scottish Parliament will be responsible for the administration of the tribunals, the UK Parliament will retain responsibility for legislating for the subject matter of these tribunals.

Statistics on tribunals are not included in this bulletin.

6. Family

Divorce and dissolution made up 76% of family cases in 2016-17

Nearly all of the 7,938 divorces granted in 2016-17 were heard in sheriff courts, and 61% used the simplified procedure

Family law in Scotland

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

Family law also covers interdicts preventing a party from making specific contact or coming within close proximity to another, and exclusion orders that suspend the rights of an individual to live in the family home. Family procedure cases made up 18% of all civil court cases initiated in 2016-17 ([Table 5](#), [Table 1](#)).

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

Scottish Crime and Justice Survey

The 2016-17 Scottish Crime and Justice Survey found that an estimated 2% of adults experienced problems to do with the behaviour of a partner, ex-partner or other person harassing them, 2% experienced a problem to do with child contact, residence or maintenance and 1% experienced problems to do with divorce or separation.

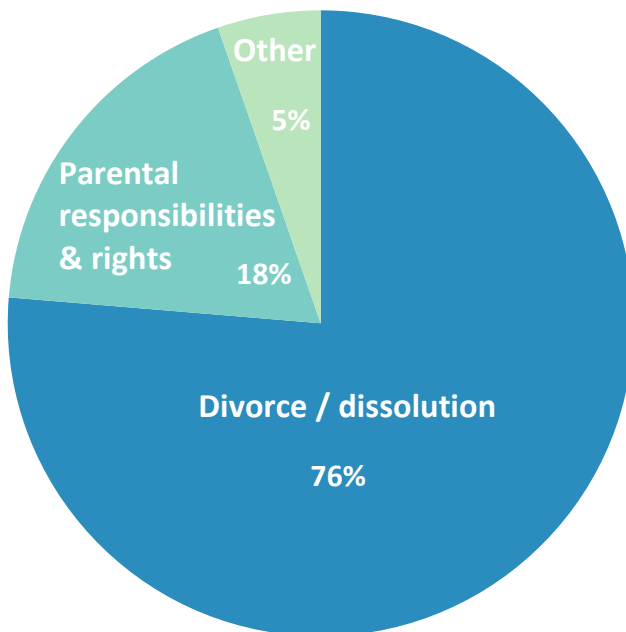
Courts statistics - overview

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

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

During 2016-17, 13,250 family cases were initiated in the civil courts and 10,464 were disposed of ([Table 5](#)). Although there has been an overall decrease in total cases initiated and disposed of 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% of family cases initiated ([Figure 7](#)).

Figure 7: Family cases initiated in the civil courts, 2016-17



Does not add to 100% due to rounding

Court of session

Only a small proportion of family cases are heard in the Court of Session (104 or 1% in 2016-17), these represent 10% of cases in the General Department of that court ([Table 6](#)). Divorces and dissolutions accounted for 83% of the 104 family cases initiated in the Court of Session.

Sheriff courts

There were 13,146 ordinary cause family procedure cases initiated in the sheriff courts during 2016-17, an increase of 3% from the 12,755 cases initiated in 2015-16 ([Table 7, Civil Justice Statistics in Scotland 2015-16 Table 7](#)). The majority (76%) were divorce and dissolution cases. Decree of divorce or dissolution was granted in the vast majority of cases. Further information on divorce and dissolution cases can be found in the next section.

The largest proportion of the remaining family cases initiated in 2016-17 related to parental responsibilities and rights. Within this category, contact cases were the most common amounting to 1,076 cases. It should be noted that this statistic relates only to cases where contact is the principal crave. As in previous years, relatively few parental responsibilities and rights cases were disposed of in 2016-17 compared to those initiated (1,619 disposed of and 2,429 initiated). One possible explanation is that these cases can be sisted (suspended) while sheriffs seek further information, and parties may resolve their issues outside court during this time. These cases are not then brought back to court for disposal.

As detailed in the [Recent changes to civil legislation](#) section, the introduction of the [Children's Hearings \(Scotland\) Act 2011](#) has resulted in changes to court business relating

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

In 2016-17, the vast majority (90%) of applications to extend/vary an interim order disposed of were granted. Similarly, most children's hearings - referral applications were granted and established the grounds for referral, with the case being referred back to the Children's Hearing to dispose of the case.

The number of adoption petitions has been relatively stable in recent years. In 2016-17 there were 513 such cases initiated. In contrast, the number of applications initiated for permanence orders with authority to adopt has been rising steadily, and increased by 12% to 409 in 2016-17. The disposals of adoption petitions and permanence orders with authority to adopt show a similar pattern with nearly all these applications being granted (99% and 98% respectively).

Divorce and dissolution of a civil partnership

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

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 the other⁸. Other cases 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.

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 part of this bulletin.

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

Further statistics, broken down by characteristics such as age at marriage/partnership, age at divorce/dissolution, duration and form of marriage/partnership, are available on the [Civil Justice Statistics in Scotland datasets website](#) within the [Divorces & Dissolutions Supplementary Tables](#). However, at the time of publishing this bulletin, we do not have the detailed divorce and dissolutions data to update the supplementary tables with 2016-17 figures.

The number of divorces has been slowly decreasing from around 13,400 in 1985 to 8,500 in 2016 ([Figure 8](#))⁹. The main exception to this trend was a sharp rise in divorces in 2006. This rise can be attributed to the reduction in non-cohabitation periods required to prove irretrievable breakdown of a marriage brought into force by the [Family Law \(Scotland\) Act 2006](#).

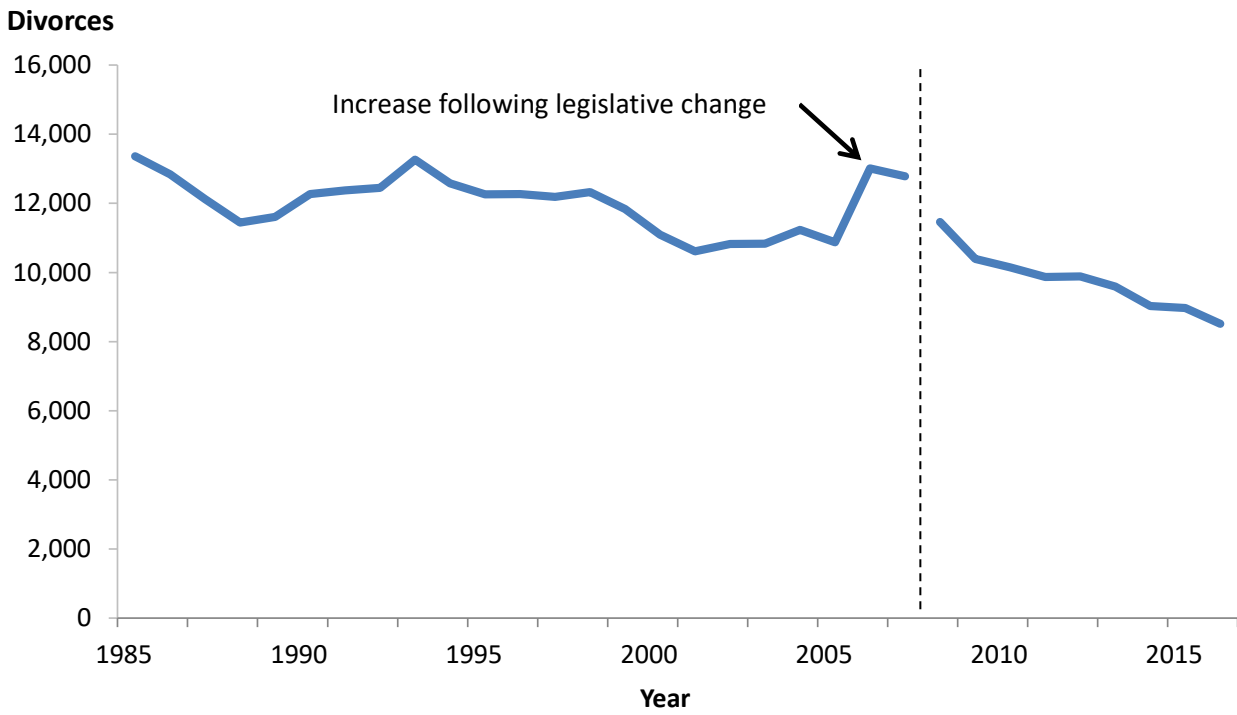
The total number of divorces **granted** in Scotland in 2016-17 was 7,938, 11% less than in 2015-16 (8,875) ([Table 9](#)). In 2016-17, 61% of divorces granted used the simplified procedure.

There were 83 civil partnership dissolutions **granted** in 2016-17, down from 96 in 2015-16 ([Table 10](#)). The vast majority of dissolutions granted in 2016-17 (96%) used the simplified procedure.

⁸ For more detailed information on the simplified divorce procedure see the [Scottish Courts and Tribunals Service website](#).

⁹ Data prior to 2008-09 cannot be compared directly with later data, and is discussed here only to provide historical context. For more information, see the [Quality of the statistics](#) section.

Figure 8: Downward trend of divorces since 1985



7. Debt

Debt cases made up 42% of all civil court cases initiated in 2016-17

The number of debt cases has more than halved since 2008-09

Nearly 60% of debt cases initiated in 2016-17 were small claims

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 [fifth monitoring report](#), and found that:

“Other routes to debt management or resolution of the debt issue, not involving court, are increasing in importance. Debt management companies and the not-for-profit sector appear therefore to be an increasingly important avenue for people seeking assistance with debt issues than 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, any of the sheriff court procedures (small claims, summary cause, simple procedure, ordinary cause and commercial) can be used. However, since the introduction of the first phase of simple procedure in November 2016, all small claims and straightforward summary cases are dealt with under simple procedure. Following the introduction of the [Courts Reform \(Scotland\) Act 2014](#), cases initiated from 22 September 2015 were raised in the sheriff court if the value was up to £100,000 and in the Court of Session if over £100,000. Prior to this Act, 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.

Debt cases made up 42% of all civil court cases initiated in 2016-17 ([Table 11](#), [Table 1](#)).

Scottish Crime and Justice Survey

An estimated 4% of adults to the 2016-17 Scottish Crime and Justice Survey reported having money and debt problems. Owner-occupiers had the lowest prevalence of money and debt issues (2%), in comparison to social tenants (6%) and private tenants (9%).

Courts statistics

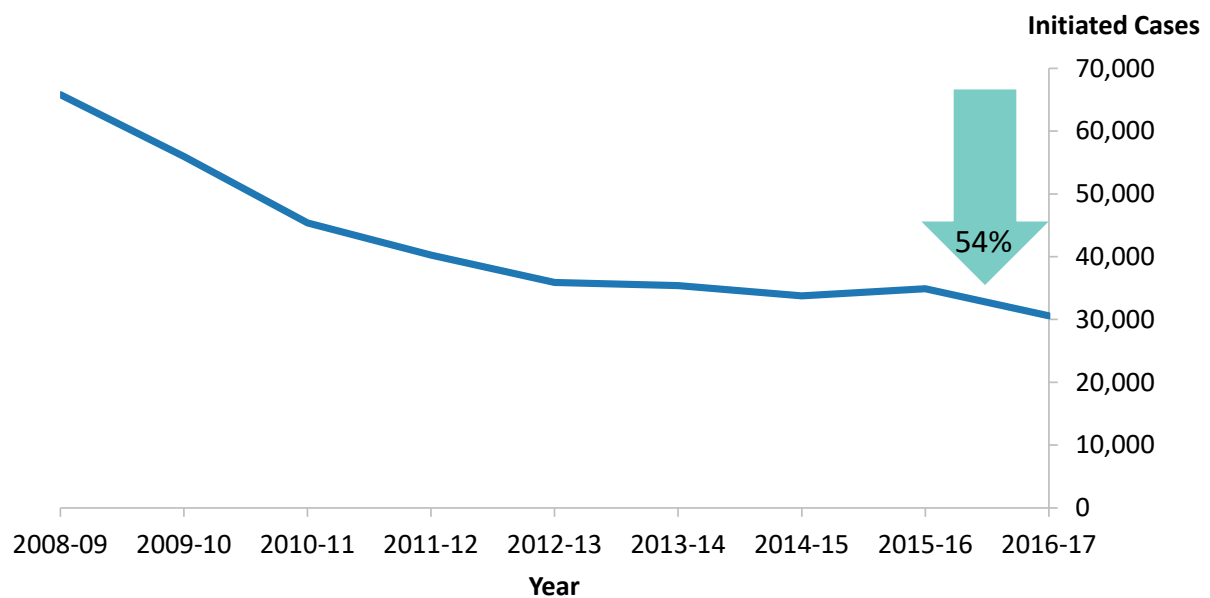
There were 30,567 debt cases initiated across the sheriff courts and Court of Session in 2016-17 ([Table 11](#)). This was 12% lower than the number of cases initiated in 2015-16 and is 54% lower than in 2008-09 ([Figure 9](#)). There are multiple routes for resolving disputes over debt and it is possible that non-court options are becoming increasingly

favoured by those pursuing debts as suggested by the Scottish Legal Aid Board monitoring report.

Nearly 60% of debt cases initiated in 2016-17 were small claims. Ordinary procedure and simple procedure cases made up most of the rest of the cases and ordinary cause - commercial procedure cases accounted for only 1%. Only a small number of debt cases are raised in the Court of Session (6 cases in 2016-17).

The majority of debt cases (63%) were disposed of in favour of the pursuer ([Table 12](#)).

Figure 9: Overall decrease of debt cases from 2008-09 in the civil courts



8. Personal injury

There was a 4% decrease in personal injury cases initiated in 2016-17 compared to 2015-16

Just over 35% of personal injury cases were raised in the recently established Sheriff Personal Injury Court

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

Personal injury cases made up 11% of all civil court cases initiated in 2016-17 ([Table 13](#), [Table 1](#)). This includes the cases going through the recently established Sheriff Personal Injury Court.

Scottish Crime and Justice Survey

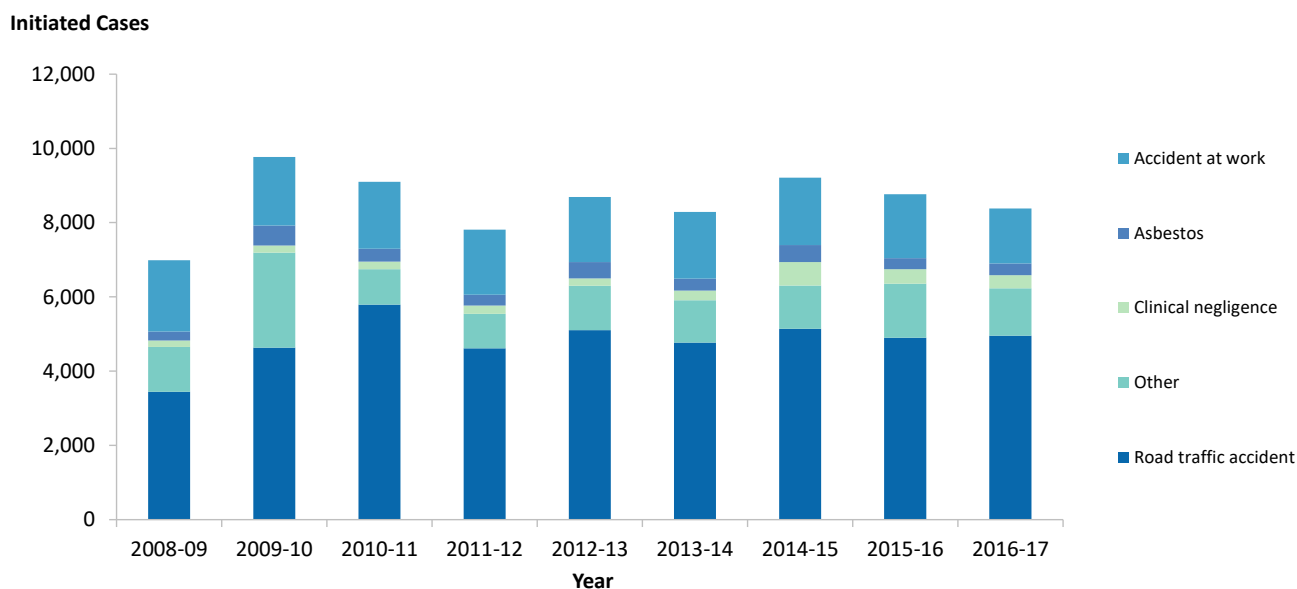
The 2016-17 Scottish Crime and Justice Survey found that an estimated 2% of respondents experienced a medical negligence issue and 1% experienced a personal injury problem in the last three years.

Courts statistics

There were 8,378 personal injury cases initiated in 2016-17, 4% fewer than in 2015-16 ([Table 13](#)). The number of personal injury cases has fluctuated since 2008-09. The type of court where personal injury cases can be raised has recently changed under the Courts Reform (Scotland) Act 2014, particularly with the establishment of the specialised Sheriff Personal Injury Court. See the [Courts Reform](#) section for more detail. Compared to 2015-16, in line with the legislative aim of the Court Reform (Scotland) Act 2014, the number of personal injury cases initiated in the Court of Session decreased by approximately 1,600 cases or 74% ([Table 14](#), [Civil Justice Statistics in Scotland 2015-16 Table 14](#)). In the sheriff courts, cases initiated under ordinary cause decreased by approximately 500 cases or 21% and those under summary cause by approximately 100 or 3%. Thirty five per cent (2,956) of all personal injury cases were initiated in the new Sheriff Personal Injury Court in its first full financial year ([Table 1](#)).

In every year since 2008-09, cases resulting from a road traffic accident made up the greatest proportion of personal injury cases, accounting for 59% in 2016-17. The fluctuation in road traffic accident related cases over time (Figure 10) contrasts to the downward trend in the number of reported road traffic accident casualties¹⁰.

Figure 10: Personal injury cases by case types



After reaching a peak of 629 cases in 2014-15, the number of clinical negligence cases has been decreasing and reached 351 cases in 2016-17 (10% decrease from 2015-16). This remains higher than the approximately 200 cases a year raised from 2008-09 to 2013-14. In the Court of Session, where 55% of clinical negligence cases were raised, the decrease was 31% (from 280 cases in 2015-16 to 193 cases in 2016-17) ([Table 14, Civil Justice Statistics in Scotland 2015-16 Table 14](#)).

In 2016-17 there was a 5% rise in the number of asbestos cases initiated compared to the previous year, to 316 cases. This is approximately 60% of the number of cases initiated in 2009-10 (541 cases). The peak in 2009-10 can be explained in part by the introduction of the [Damages \(Asbestos-related Conditions\) \(Scotland\) Act 2009](#), which came into force in June 2009 and allows individuals with asbestos-related pleural plaques etc. to raise a court case for personal injury.

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

Across all categories of personal injury cases in the Court of Session, absolvitor was the most common disposal, accounting for nearly four-fifths of all cases disposed of ([Table 14](#)). Absolvitor means that the pursuer is prevented from bringing the same matter to court

¹⁰ See [Reported Road Casualties Scotland 2016, Transport Scotland](#)

again, in some of these cases the parties involved would have come to an out-of-court settlement.

In 2016-17, personal injury actions were raised in court in the following proportions (Tables 13 to 17): Court of Session (6%), sheriff court ordinary cause procedure (25%), sheriff court summary cause procedure (34%) and Sheriff Personal Injury Court (35%).

From a total of 2,956 cases, accident at work (1,135) and road traffic accident (832) made up the majority of cases raised in the new Sheriff Personal Injury Court ([Table 17](#)). Over the same period, 1,363 cases were disposed of, with accident at work and road traffic accidents again making up the largest proportion.

9. Damages

The number of damages cases rose for the first time since 2009-10

Small claims made up 40% of damages cases initiated in 2016-17, and just over 40% of disposed cases were dismissed

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

Damages in Scotland

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

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

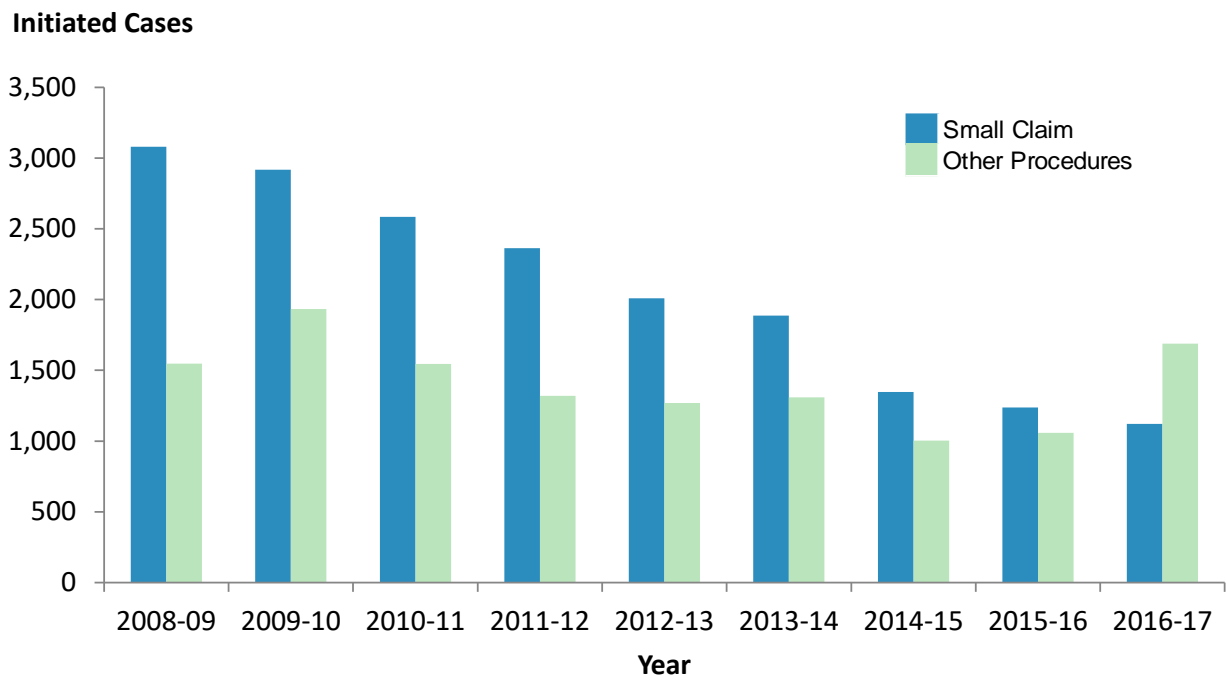
Damages cases made up 4% of all civil court cases initiated in 2016-17 ([Table 18](#), [Table 1](#)).

Courts statistics

There were 2,810 damages cases initiated in 2016-17, an increase of 22% compared to the previous year, breaking a long-term decline (39% down since 2008-09) ([Table 18](#)). The recent rise is partly due to an increase in summary cause and small claims registrations ahead of simple procedure commencing, and also a good take up of simple procedure for damages cases. Small claims continued to account for the largest proportion of damages cases in 2016-17 (40%), although that proportion has been decreasing since 2008-09 ([Figure 11](#)) and for the first time other procedures have made up the larger proportion of cases. The decline shall continue as both small claims and summary cause procedures are being replaced by simple procedure.

Forty three per cent of small claims damages cases disposed of were dismissed ([Table 19](#)). The pattern of disposals for other damages cases was different, with absolvitor being the most common disposal overall, particularly for cases in the Court of Session.

Figure 11: Damages cases initiated in the civil courts



10. Repossession

The number of repossession cases initiated continued to fall in 2016-17 (6% down compared to 2015-16, 83% down compared to 2008-09)

Repossession in Scotland

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

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

However, where a repossession case relates to non-residential land or property, the action may be raised either as a summary application or as an ordinary action. Accordingly, a number of repossession cases relating to non-residential property or land continue to be raised as ordinary cause.

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

Repossession made up 2% of all civil court cases initiated in 2016-17 ([Table 20](#), [Table 1](#)).

Courts statistics

There were 1,753 repossession cases initiated in 2016-17 ([Table 20](#)). This represents a 6% decrease compared to 2015-16 and is 83% lower than the number initiated in 2008-09 ([Figure 12](#)).

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

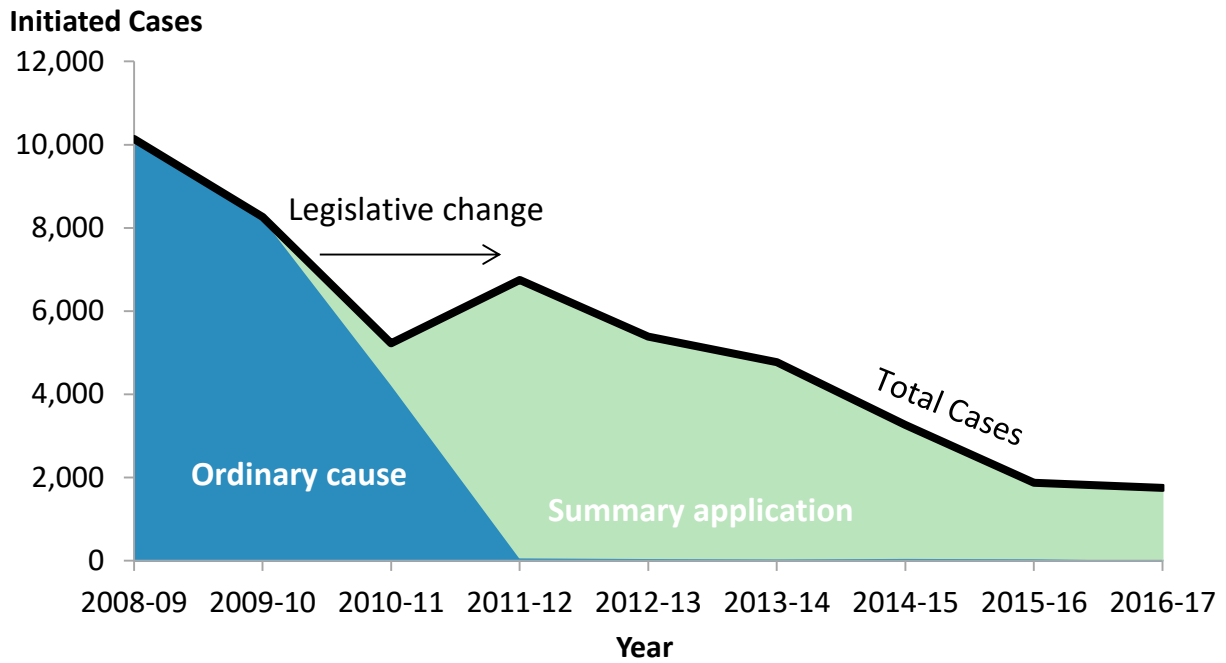
Part of the decrease in the number of repossession cases initiated in recent years may have been a consequence of the [Bank of Scotland vs Rea case](#) in 2014. The case related to the level of charges made against customers with mortgage arrears. Following the decision of the High Court of Justice in Northern Ireland in this case, some lenders were required to change their processes for handling arrears, which may have further contributed to the decrease in initiated cases.

The introduction of the [Home Owner and Debtor Protection \(Scotland\) Act 2010](#) and the [UK Supreme Court judgment in the RBS v Wilson case](#) mentioned above resulted in the

marked decrease in ordinary cause cases and the corresponding increase in summary applications observed in 2010-11 and 2011-12

In 2016-17, 65% of repossession summary applications were granted ([Table 21](#)).

Figure 12: Repossession cases by procedure



11. Eviction

The number of initiated eviction cases dropped slightly for the first time in five years, and numbers are now 28% lower than in 2008-09

Eviction in Scotland

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

Initiating eviction action for social housing (local authority and registered social landlord) rent arrears cases can only happen after the landlord has followed a set of pre-action requirements. Eviction should not be confused with repossession which, for the purposes of these statistics, relates to the retaking of property when a borrower is in breach or default of a mortgage or loan secured on the property.

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

Eviction cases made up 19% of all civil court cases initiated in 2016-17 ([Table 22](#), [Table 1](#)). The eviction statistics in this release relate to tenants of rented properties in social housing (local authority and registered social landlords) and private sector tenants. Detailed statistics on the eviction of local authority tenants are available from [Housing Statistics for Scotland](#).

Courts statistics

There were 14,304 eviction cases initiated in 2016-17 related to tenants of properties in the social housing and private sectors ([Table 22](#)). This represented a 3% drop on 2015-16, and was 28% lower than in 2008-09 ([Figure 13](#)). This is the first drop in eviction cases initiated since 2012-13.

The majority of eviction cases initiated in 2016-17 (around two in three) related to local authority tenants¹¹. [Data published by the Scottish Housing Regulator](#) (not Official Statistics) suggest that a large majority of the remaining cases were initiated by Registered Social Landlords.

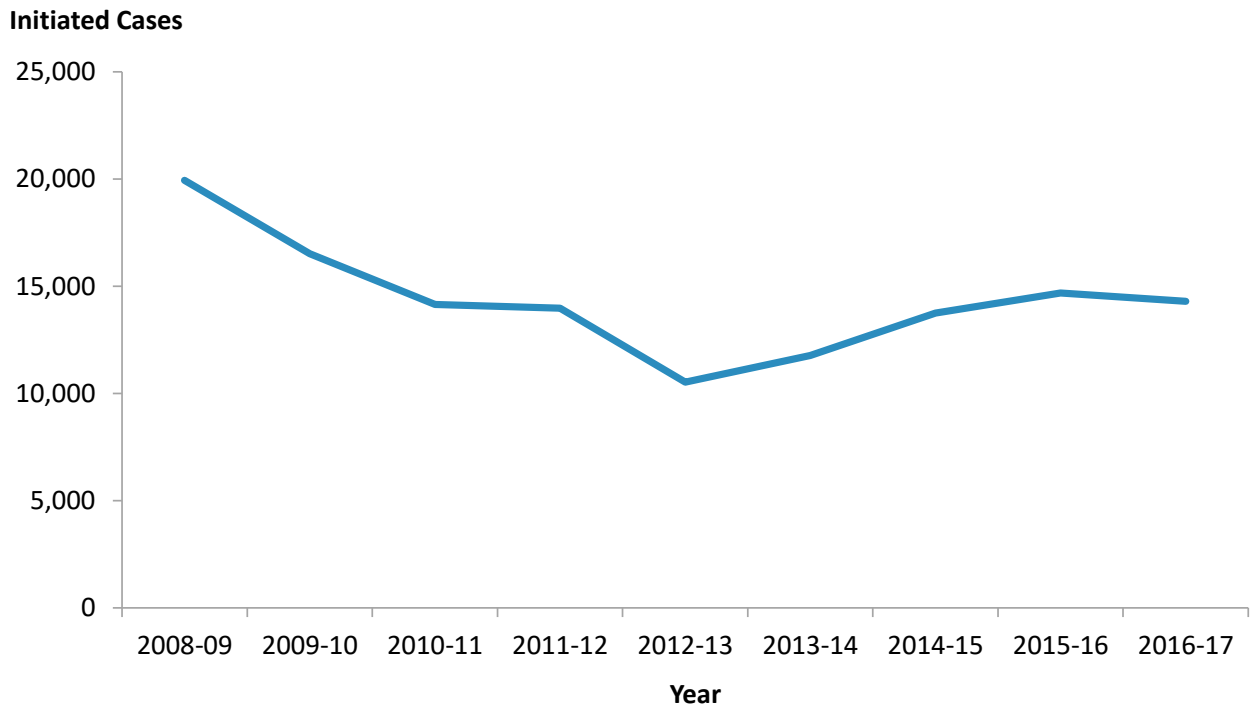
The increased focus on the management of rent arrears cases by local authorities and registered social landlords is likely to have contributed to the overall reduction in social rented sector rent arrears cases coming to court since 2008-09. Measures to strengthen the protection for such tenants where eviction action for rent arrears is being considered, including pre-action requirements, were also introduced in the [Housing \(Scotland\) Act](#)

¹¹ See [Housing Statistics for Scotland - Evictions, Scottish Government](#)

[2010](#) and came into force on 1 August 2012. However, the factors behind the increase in the number of initiated eviction cases between 2012-13 and 2015-16 are less clear.

Over half of eviction cases were found “for pursuer”, and 87% of cases were undefended ([Table 23](#)).

Figure 13: Eviction cases initiated in the sheriff courts



12. Recent changes to civil legislation

Children's hearings

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

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

Courts Reform

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

Marriage and civil partnership

Among other measures, the [Marriage and Civil Partnership \(Scotland\) Act 2014](#) made provision for the marriage of persons of the same sex. Ultimately, this will affect statistics on divorce and dissolution. Future editions of this bulletin might be able to show divorces of same sex couples when detailed data on divorces and dissolutions is available.

Repossession

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

The statistics for court actions relating to repossessions are also affected by the [UK Supreme Court judgment in the RBS v Wilson case](#), issued on 24 November 2010. This

resulted in all repossession cases being withdrawn from the courts and resubmitted as summary applications following the completion of the two-month waiting period required by the judgment. These changes are reflected in the civil law statistics, which show a drop to almost zero in the number of ordinary cause – ordinary procedure repossession cases and a corresponding rise in the number of summary application repossession cases. More information on the effect of these changes on civil law statistics is available from Civil Law Statistics in Scotland 2011-12.

Eviction

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

Personal injury - asbestos

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

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

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

13. Civil courts and procedures in Scotland

Most civil law court cases involve disputes between people or organisations and are heard in a [sheriff court](#) or the [Court of Session](#) (see [Figure 2](#) diagram).

Since 28 November 2016, civil law cases can be pursued using one of five **procedures**:

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

Summary cause – This procedure is used where the case involves any monetary claim over £3,000 and up to £5,000. It is also used for the recovery of rented property, for the recovery of moveable property and for personal injury cases up to £5,000. Cases carried out using this procedure may be heard only in the sheriff courts at first instance.

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

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

Simple procedure – This procedure was introduced by the [Courts Reform \(Scotland\) Act 2014](#), amalgamating small claims actions and the most straightforward types of cases found under summary cause in the sheriff courts beginning from 28 November 2016. The more complex types of summary cause cases will come under simple procedure at a future date. Similar to the procedures it is replacing, the simple procedure will apply to cases with a value less than £5,000. The simple procedure has been designed to be efficient, inexpensive and informal. It is mainly dealt with by the new summary sheriffs that have been introduced by the Act. The statistics presented in this bulletin include cases which used this new procedure while those registered prior to the commencement of simple procedure are dealt with in line with the procedure in place at that time. More information can be found in the [Courts Reform](#) section.

Sheriff courts

Sheriff courts are local courts of civil jurisdiction in Scotland ([Figure 14](#)). They also have jurisdiction in criminal law cases.

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

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

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

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

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

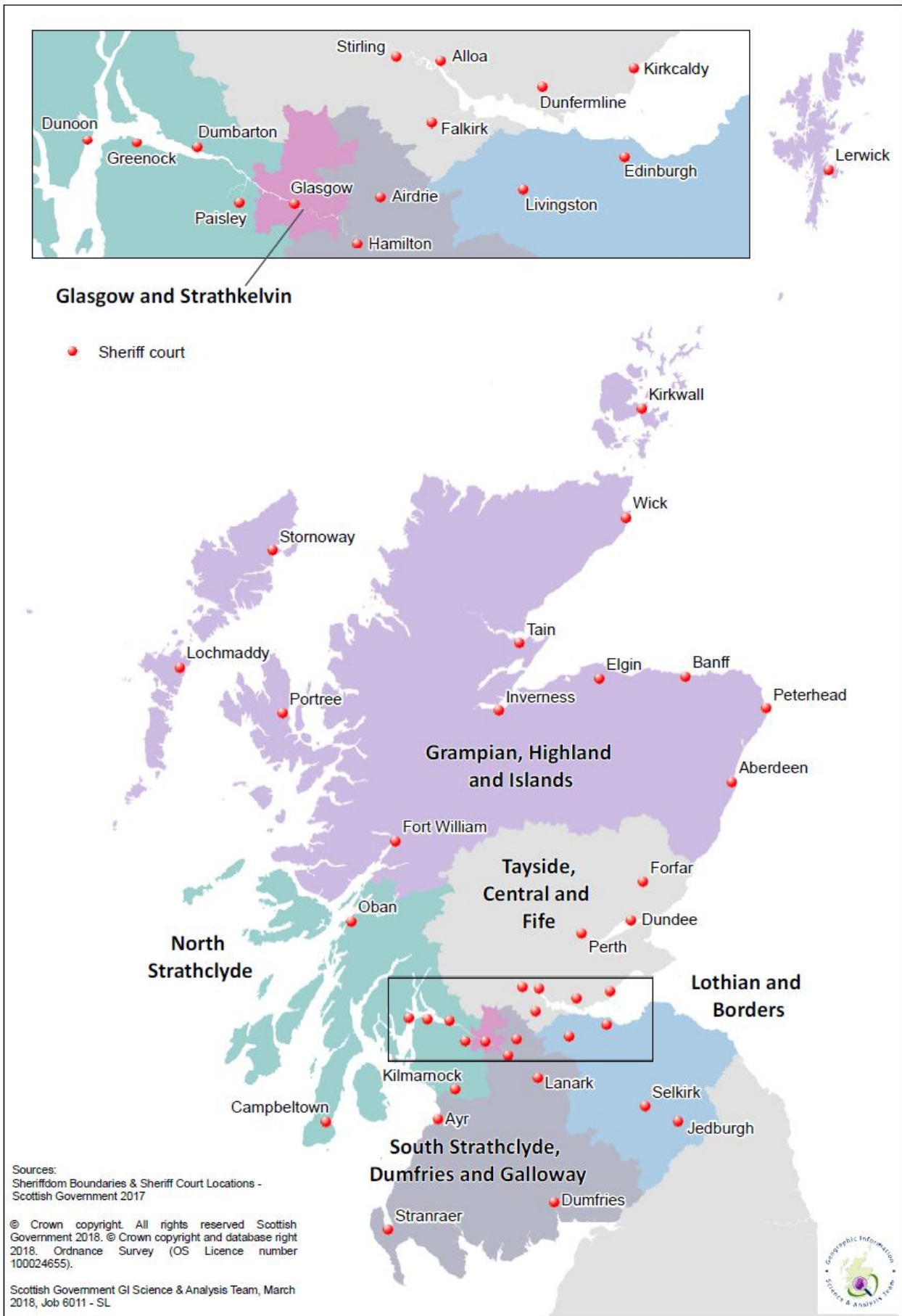
In some cases, legislation provides that challenges to administrative decisions can be taken directly to the Sheriff Principal. One example would be alcohol licencing decisions made by licensing boards. In these cases, onward appeal from the decision of the Sheriff Principal is to the Court of Session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

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

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

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

Figure 14: Map of location of the sheriff courts in Scotland in 2016-17



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

Court of Session

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

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

- The **General Department** - deals mainly with cases where one person wants to enforce a legal right against another. The General Department deals with a variety of case types including: personal injury, family, damages, interdict, intellectual property, debt and commercial.
- The **Petition Department** - deals with cases where the authority of the court is sought to deal with a variety of legal issues, other than disputes between people or organisations.

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

Appeals from the Outer House, known as reclaiming motions, are made to the Inner House (which also hears certain appeals from the Sheriff Appeal Court and certain tribunals and other bodies).

Judgments of the Inner House of the Court of Session can be appealed to the [Supreme Court of the United Kingdom](#), which was established on 1 October 2009 and replaced the House of Lords in its judicial function. Since 22 September 2015, such appeals require the permission of the Inner House or, failing such permission, the permission of the UK Supreme Court. Before that date, permission by the Inner House was generally not required, but appeals had to be certified by two Scottish counsel as “reasonable”. Statistics on appeals from the Court of Session to the UK Supreme Court can be found in [Table 26](#). In 2016-17, all of the 41 applications were disposed of, with seven granted leave to appeal to the UK Supreme Court.

Specialist courts and tribunals

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

Some tribunals in Scotland operate in areas of devolved competence and are administered by the Scottish Courts and Tribunals Service. One example is the [Mental Health Tribunal for Scotland](#).

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

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

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

More information

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

14. Quality of the statistics

Overview

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

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

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

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

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

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

Comparability of data

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

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

The civil justice statistics for 2016-17 can be compared with statistics for 2008-09 onwards. Due to inconsistencies in the data prior to April 2008 and changes in recording methods and definitions, the current series of statistics should not be directly compared with earlier data, which is shown in this bulletin for illustrative purposes only.

Ordinary cause

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

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

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

Summary application

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

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

Court of Session – personal injury cases

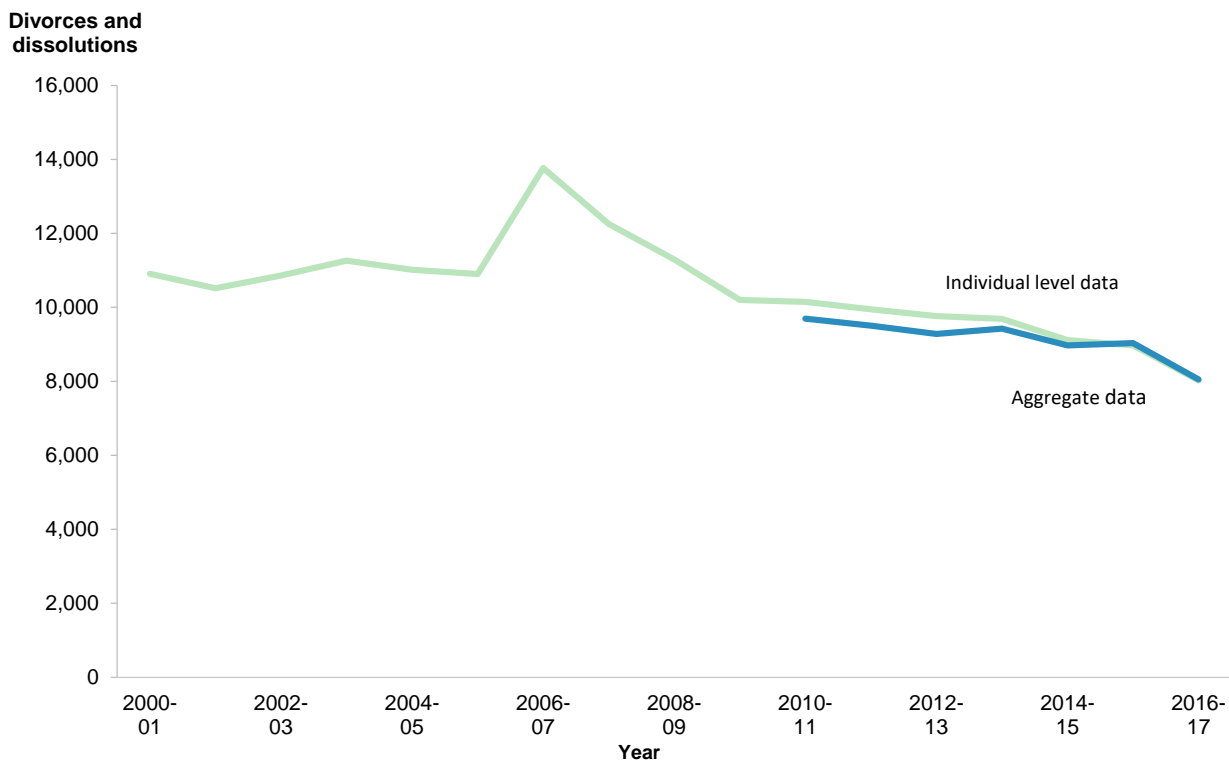
Personal injury cases within the Court of Session are raised under a specific court procedure. However, either party can request permission from the court to opt out of this procedure and use the standard ordinary procedure. When this happens, cases are transferred out and re-registered under the ordinary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

Divorce and dissolution data sources

The divorce and dissolution statistics presented in [Table 9](#) and [Table 10](#) are derived from a different data source to the other statistics in this bulletin. Both data sources are based on information recorded by the SCTS but there are differences in the timing and processing of the two extracts. These differences are small, as demonstrated by the comparison in [Figure 15](#) of the total number of divorces and dissolutions from each source. The statistics in [Table 9](#) and [Table 10](#) and the [Divorces & Dissolutions Supplementary Tables](#) are based on individual records that are updated on an on-going

basis. The detail contained in this data enables the breakdown of cases granted by grounds, age, duration, marital status, method of celebration and gender. Note that at time of publication, we do not have the complete data set to enable us to produce the divorces and dissolutions supplementary tables.

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



15. Definitions

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

Civil law case types

Aliment

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

Child in place of safety

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

Children’s hearings - appeal

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

Children’s hearings - referral

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

Civil non-harassment order

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

Confirmation

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

Commercial

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

Company

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

Damages

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

Debt

Payment of money, excluding damages and personal injury.

Decree Dative

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

Delivery

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

Eviction

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

Exclusion order - child's home

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

Exclusion order - matrimonial

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

Extend/vary interim order

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

Implement

Fulfil an obligation or duty.

Intellectual property

Infringement of copyright, patents, trademarks, etc.

Interdict

Prevent a particular action being carried out.

Judicial review

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

Land / heritable

All actions relating to land or immoveable property.

Liquidation

Wind up and dissolve a corporate body.

Nobile officium

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

Nullity of marriage / civil partnership

Void a marriage / civil partnership.

Parental responsibilities and rights

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

Parental responsibilities and rights - contact

Regulate the arrangements for maintaining personal relations between a child under 16 and a person with whom the child is not living ([Children \(Scotland\) Act 1995 s11\(2\)\(d\)](#)).

Parental responsibilities and rights - residence

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

Parental responsibilities and rights - other

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

Permanence order with authority to adopt

Vest parental rights for a child in a local authority and permit the placement of the child for adoption in advance of the adoption order ([Adoption and Children \(Scotland\) Act 2007 s80](#)).

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

Personal injury - asbestos - live mesothelioma

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

Personal injury - asbestos - post mesothelioma

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

Personal injury - asbestos - pleural plaques

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

Personal injury - asbestos - pleural thickening

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

Personal Injury - asbestos - other

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

Personal injury - clinical negligence

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

Personal injury - relative's claim

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

Personal injury - other

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

Repossession

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

Succession

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

Summary warrant

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

Suspension

Suspend a charge.

Trusts

Actions relating to the creation and administration of trusts.

Disposal types (first instance)

Absolvitor

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

Defended / undefended

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

Dismissed (excluding appeals / reclaiming motions)

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

Dropped from roll

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

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

Expenses only (sheriff courts)

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

For petitioner / pursuer / respondent

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

Granted

Decree is granted in favour of the pursuer.

Opposed / unopposed (petition department)

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

Refused (excluding appeals / reclaiming motions)

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

Withdrawn

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

Disposal types (appeals and reclaiming motions)

Abandoned

The appeal is abandoned and the original judgment stands.

Adhered

The original judgment is adhered to.

Allowed

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

Dismissed

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

Recalled

The original judgment is recalled.

Refused

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

Varied

The original judgment is varied.

Glossary**Advocate**

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

Ancillary crave

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

Counsel

Another term for an advocate or solicitor-advocate.

Decree

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

Defender / respondent

The person or body against whom a case is raised.

Disposal

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

Initial writ / summons

A form of document used to commence some court cases.

Initiation

The registration of a case with the court.

Principal crave

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

Pursuer / petitioner

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

Reclaiming motion

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

Sisted

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

Summary Application

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

16. Statistics tables

Table 1: Civil law cases initiated and disposed of in the Court of Session, sheriff courts and Sheriff Personal Injury Court, 2008-09 to 2016-17	58
Table 2: Cases initiated and disposed of in the Court of Session, 2008-09 to 2016-17	59
Table 3: Cases initiated and disposed of in the sheriff courts, by procedure, 2008-09 to 2016-17	60
Table 4: Cases initiated and disposed of in the sheriff courts, by sheriffdom, 2008-09 to 2016-17	61
Table 5: Family procedure cases initiated and disposed of in the civil courts, by case type, 2008-09 to 2016-17	62
Table 6: Family procedure cases initiated and disposed of in the Court of Session, by case type 2016-17	63
Table 7: Family procedure cases initiated and disposed of in the sheriff courts, by case type 2016-17	64
Table 8: Family-related summary application cases initiated and disposed of, by case type and final disposal, 2016-17	65
Table 9: Divorces granted in the civil courts by procedure, 2011-12 to 2016-17	66
Table 10: Dissolutions granted in the civil courts by procedure, 2011-12 to 2016-17	67
Table 11: Debt cases initiated and disposed of in the civil courts, by case type, 2008-09 to 2016-17	68
Table 12: Debt cases initiated and disposed of in the civil courts, by case type and final disposal, 2016-17	69
5 Table 13: Personal injury cases initiated and disposed of in the civil courts, by case type, 2008-09 to 2016-17	70
Table 14: Personal injury cases initiated and disposed of in the Court of Session, 2016-17	71
Table 15: Ordinary cause personal injury cases initiated and disposed of in the sheriff courts, 2016-17	72
Table 16: Summary cause personal injury cases initiated and disposed of in the sheriff courts, 2016-17	73
Table 17: Civil law cases initiated and disposed of in the Sheriff Personal Injury Court, 2016-17	74
Table 18: Damages cases initiated and disposed of in the civil courts, by case type, 2008-09 to 2016-17	75
Table 19: Damages cases initiated and disposed of in the civil courts, by case type and final disposal, 2016-17	76
Table 20: Repossession cases initiated and disposed of in the sheriff courts, by procedure, 2008-09 to 2016-17	77
Table 21: Summary application repossession cases initiated and disposed of in the sheriff courts, by case type and final disposal, 2016-17	78
Table 22: Eviction cases initiated and disposed of in the sheriff courts, 2008-09 to 2016-17	79
Table 23: Summary cause eviction cases initiated and disposed of in the sheriff courts, by case type and final disposal, 2016-17	80
Table 24: Petitions for judicial review initiated and disposed of in the Petition Department of the Court of Session, 2008-09 to 2016-17	81
Table 25: Civil law appeals initiated and disposed of in the Sheriff Appeal Court, 2016-17	82

Table 26: Civil law applications to the Court of Session for permission (leave) to appeal to UK Supreme Court, 2016-1783
Table 27: Civil law cases initiated in the Court of Session, sheriff courts and Sheriff Personal Injury Court,
2008-09 to 2016-1784

Table 1: Civil law cases initiated and disposed of¹ in the Court of Session², sheriff courts³ and Sheriff Personal Injury Court⁴, 2008-09 to 2016-17

Cases		2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	% change since 2015-16	% change since 2008-09
Initiated	Court of Session	5,329	6,102	5,141	4,718	4,911	4,561	5,164	4,358	2,251	-48	-58
	Sheriff courts	126,304	111,737	92,308	80,502	72,510	72,511	71,605	72,220	68,433	-5	-46
	Sheriff Personal Injury Court ⁵	z	z	z	z	z	z	z	1,143	2,956	z	z
	All courts	131,633	117,839	97,449	85,220	77,421	77,072	76,769	77,721	73,640	-5	-44
Disposed	Court of Session	4,022	4,356	4,295	4,856	4,712	4,911	4,782	4,405	3,162	-28	-21
	Sheriff courts	111,541	104,831	87,504	77,147	68,781	65,356	65,805	66,232	62,370	-6	-44
	Sheriff Personal Injury Court ⁵	z	z	z	z	z	z	z	172	1,363	z	z
	All courts	115,563	109,187	91,799	82,003	73,493	70,267	70,587	70,809	66,895	-6	-42

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

2. Excludes appeals and reclaiming motions in the Inner House.

3. Excludes summary applications.

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

5. The percentage change from 2015-16 for Sheriff Personal Injury Court is not presented since 2015-16 data is for only part of the year.

6. z refers to data not being applicable.

Table 2: Cases initiated and disposed of¹ in the Court of Session, 2008-09 to 2016-17

Court of Session department	Cases	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	% change since 2015-16	% change since 2008-09
General Department	Initiated	3,736	4,429	3,688	3,354	3,536	3,258	3,812	2,922	1,005	-66	-73
	Disposed	2,961	3,167	3,187	3,455	3,405	3,656	3,582	3,123	1,871	-40	-37
Petition Department	Initiated	1,473	1,555	1,358	1,223	1,211	1,179	1,213	1,268	1,083	-15	-26
	Disposed	988	1,094	1,035	1,299	1,191	1,126	1,062	1,136	1,157	2	17
Inner House²	Initiated	120	118	95	141	164	124	139	168	163	-3	36
	Disposed	73	95	73	102	116	129	138	146	134	-8	84
Total	Initiated	5,329	6,102	5,141	4,718	4,911	4,561	5,164	4,358	2,251	-48	-58
	Disposed	4,022	4,356	4,295	4,856	4,712	4,911	4,782	4,405	3,162	-28	-21

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

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

Table 3: Cases¹ initiated and disposed of² in the sheriff courts³, by procedure, 2008-09 to 2016-17

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	% change since 2015-16	% change since 2008-09
Initiated	Ordinary cause	46,477	42,823	34,123	26,021	24,957	24,026	23,628	23,212	22,672	-2	-51
	Summary cause ⁴	32,736	27,464	23,799	22,783	18,510	18,852	20,624	22,160	20,214	-9	-38
	Small claim	47,091	41,450	34,386	31,698	29,043	29,633	27,353	26,848	18,857	-30	-60
	Simple procedure ⁵	z	z	z	z	z	z	z	z	6,690	z	z
	Total initiated	126,304	111,737	92,308	80,502	72,510	72,511	71,605	72,220	68,433	-5	-46
Disposed	Ordinary cause	38,902	33,911	29,768	23,410	20,733	19,575	18,768	19,102	17,210	-10	-56
	Summary cause ⁴	31,231	27,568	24,036	22,434	19,831	17,876	18,984	20,638	20,557	0	-34
	Small claim	41,408	43,352	33,700	31,303	28,217	27,905	28,053	26,492	23,571	-11	-43
	Simple procedure ⁵	z	z	z	z	z	z	z	z	1,032	z	z
	Total disposed	111,541	104,831	87,504	77,147	68,781	65,356	65,805	66,232	62,370	-6	-44

09

1. Excludes summary applications.

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

3. Excludes Sheriff Personal Injury Court.

4. First phase of simple procedure replaces the more straightforward cases of summary cause from 28 November 2016.

5. The first phase of simple procedure replaces the small claims and the more straightforward cases under summary procedure.

It commenced on 28 November 2016 and therefore does not cover a full year.

Table 4: Cases¹ initiated and disposed of² in the sheriff courts³, by sheriffdom, 2008-09 to 2016-17

Cases	Sheriffdom	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	% change since 2015-16	% change since 2008-09	2016-17 cases
													per 1,000 population ⁴
Initiated	Tayside, Central and Fife	22,456	20,204	16,816	14,759	14,006	13,590	13,806	13,478	12,263	-9	-45	11
	Glasgow and Strathkelvin	24,919	22,389	17,784	16,305	14,313	13,433	11,517	11,853	12,514	6	-50	17
	South Strathclyde, Dumfries and Galloway	22,949	19,457	16,869	14,171	12,968	12,870	12,929	14,028	13,404	-4	-42	15
	Lothian and Borders	24,469	21,439	16,211	14,148	11,554	11,755	13,022	12,552	11,016	-12	-55	11
	North Strathclyde	17,177	14,907	12,954	10,577	9,932	10,447	10,096	10,286	9,715	-6	-43	12
	Grampian, Highlands and Islands	14,334	13,341	11,674	10,542	9,737	10,416	10,235	10,023	9,521	-5	-34	11
	Scotland total initiated	126,304	111,737	92,308	80,502	72,510	72,511	71,605	72,220	68,433	-5	-46	13
Disposed	Tayside, Central and Fife	20,160	18,730	16,081	14,343	13,268	12,476	12,782	13,079	11,504	-12	-43	11
	Glasgow and Strathkelvin	21,315	20,059	16,134	15,630	13,544	11,828	10,303	10,139	9,961	-2	-53	13
	South Strathclyde, Dumfries and Galloway	20,829	18,759	15,979	13,749	12,466	11,801	11,655	12,524	12,022	-4	-42	13
	Lothian and Borders	20,384	20,948	15,957	13,494	11,595	11,029	11,700	11,538	10,435	-10	-49	10
	North Strathclyde	15,687	13,455	12,218	9,921	8,803	8,949	9,590	9,358	8,911	-5	-43	11
	Grampian, Highlands and Islands	13,166	12,880	11,135	10,010	9,105	9,273	9,775	9,594	9,537	-1	-28	11
	Scotland total disposed	111,541	104,831	87,504	77,147	68,781	65,356	65,805	66,232	62,370	-6	-44	12

1. Excludes summary applications.

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

3. Excludes Sheriff Personal Injury Court.

4. Based on mid-2016 small area population estimates produced by National Records of Scotland.

Table 5: Family procedure cases¹ initiated and disposed of² in the civil courts³, by case type, 2008-09 to 2016-17

Cases	Case type	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	% change	% change
											since 2015-16	since 2008-09
Initiated	Divorce / dissolution	11,752	11,159	11,018	10,678	10,355	10,573	10,301	9,981	10,112	1	-14
	Parental responsibilities & rights	2,364	2,742	2,713	2,272	2,751	2,479	2,587	2,240	2,433	9	3
	Interdict	381	409	262	329	370	352	292	278	265	-5	-30
	Aliment	82	88	89	69	58	77	65	49	46	-6	-44
	Exclusion order	7	18	26	14	14	16	19	14	10	-29	43
	Nullity of marriage / civil partnership	0	0	2	1	0	0	1	0	1	z	z
	Other	250	317	386	316	314	356	340	330	383	16	53
Total initiated		14,836	14,733	14,496	13,679	13,862	13,853	13,605	12,892	13,250	3	-11
Disposed	Divorce / dissolution	11,538	10,750	10,115	9,879	9,571	9,809	9,349	9,390	8,415	-10	-27
	Parental responsibilities & rights	1,276	1,416	1,596	1,542	1,638	1,634	1,575	1,613	1,624	1	27
	Interdict	93	134	140	137	166	146	152	158	146	-8	57
	Aliment	55	46	50	64	32	54	40	36	40	11	-27
	Exclusion order	11	4	8	6	6	8	4	8	6	-25	-45
	Nullity of marriage / civil partnership	0	0	2	2	0	1	0	1	2	100	z
	Other	177	198	216	234	210	228	203	236	231	-2	31
Total disposed		13,150	12,548	12,127	11,864	11,623	11,880	11,323	11,442	10,464	-9	-20

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

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

3. Includes Court of Session and sheriff courts.

4. z refers to data not being applicable.

Table 6: Family procedure cases initiated and disposed¹ of in the Court of Session, by case type 2016-17

Case type	Initiated	Disposed	Disposed							
			Absolutor	Dismissed		For pursuer		Expenses only		Other
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Aliment	1	1	0	1	0	0	0	0	0	0
Divorce / dissolution	86	93	1	8	1	6	71	0	0	6
<i>Ordinary divorce</i>	38	45	1	7	1	6	24	0	0	6
<i>Simplified divorce</i>	43	43	0	1	0	0	42	0	0	0
<i>Ordinary dissolution</i>	0	0	0	0	0	0	0	0	0	0
<i>Simplified dissolution</i>	5	5	0	0	0	0	5	0	0	0
Exclusion order²	0	0	0	0	0	0	0	0	0	0
Interdict	2	3	0	1	0	0	0	0	0	2
Nullity of marriage / civil partnership	0	0	0	0	0	0	0	0	0	0
Parental responsibilities & rights	4	5	0	1	1	1	2	0	0	0
<i>Contact</i>	1	1	0	0	1	0	0	0	0	0
<i>Residence</i>	1	4	0	1	0	1	2	0	0	0
<i>Other</i>	2	0	0	0	0	0	0	0	0	0
Other	11	3	3	0	0	0	0	0	0	0
Total	104	105	4	11	2	7	73	0	0	8

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 2016-17

Case type	Initiated	Disposed	Disposed						
			Absolutor	For pursuer		Granted ³	Dismissed ⁴	Expenses only ⁴	Other
				Defended	Undefended				
Aliment	45	39	1	7	8	1	19	2	1
Divorce / dissolution	10,026	8,322	0	447	5,984	1,542	294	2	53
<i>Ordinary divorce</i>	4,032	3,161	0	446	2,602	3	68	2	40
<i>Simplified divorce</i>	5,901	5,077	0	0	3,328	1,515	221	0	13
<i>Ordinary dissolution</i>	9	4	0	1	2	0	1	0	0
<i>Simplified dissolution</i>	84	80	0	0	52	24	4	0	0
Exclusion order²	10	6	0	0	3	1	1	0	1
Interdict	263	143	0	41	40	0	50	0	12
Nullity of marriage / civil partnership	1	2	0	0	2	0	0	0	0
Parental responsibilities & rights	2,429	1,619	2	518	455	29	514	0	101
<i>Contact</i>	1,076	656	2	249	46	6	314	0	39
<i>Residence</i>	768	539	0	161	198	23	110	0	47
<i>Other</i>	585	424	0	108	211	0	90	0	15
Other	372	228	17	43	71	1	85	1	10
Total	13,146	10,359	20	1,056	6,563	1,574	963	5	178

64

1. Figures for initiations and disposals do not necessarily refer to the same cases.
2. Exclusion orders which suspend the right of a spouse, civil partner or cohabitant to occupy the family home.
3. Granted category contains data for November 2016 to March 2017.
4. Data from the new case management system is not currently split between 'defended' and 'undefended', therefore these have been combined into a single category.

Table 8: Family-related summary application cases initiated and disposed of^{1,2}, by case type and final disposal, 2016-17

Case type	Initiated	Disposed	Disposed					
			Granted	Dismissed	Refused	Dropped from roll	Withdrawn	Other
Adoption Petitions ³	513	352	347	2	0	0	2	1
Extend/vary interim order ⁴	3,066	1,783	1,606	46	4	55	43	29
Children's hearings – appeal ⁴	962	547	219	87	145	21	38	37
Children's hearings – referral ⁴	3,303	2,290	1,902	98	14	19	42	215
Children's Hearings Act 2011 - Other ⁵	1,017	436	387	16	23	2	4	4
Permanence orders with authority to adopt	409	191	187	1	1	0	1	1

65

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 2016-17 bulletin.
3. Adoption petitions include both family adoptions and adoptions from care. Statistics on adoptions from care are available from Children's Social Work Statistics additional tables (see www.gov.scot/Topics/Statistics/Browse/Children/PubChildrenSocialWork).
4. These case types represent equivalent actions from the Children (Scotland) Act 1995 and the Children's Hearings (Scotland) Act 2011. The statistics reported here differ from those reported by the Scottish Children's Reporter Administration due to differences in definition and timing.
5. "Other" includes Child Protection Order, Child Support, Child Assessment Order as well as a range of miscellaneous cases.

Table 9: Divorces granted¹ in the civil courts by procedure, 2011-12 to 2016-17

Year	Court	Ordinary	Simplified	Total
2016-17	Court of Session	38	36	74
	Sheriff courts ²	3,088	4,776	7,864
	Total²	3,126	4,812	7,938
2015-16	Court of Session	35	69	104
	Sheriff courts	3,301	5,470	8,771
	Total	3,336	5,539	8,875
2014-15	Court of Session	24	74	98
	Sheriff courts	3,365	5,573	8,938
	Total	3,389	5,647	9,036
2013-14	Court of Session	28	52	80
	Sheriff courts	3,692	5,854	9,546
	Total	3,720	5,906	9,626
2012-13	Court of Session	34	73	107
	Sheriff courts	3,940	5,647	9,587
	Total	3,974	5,720	9,694
2011-12	Court of Session	26	75	101
	Sheriff courts	4,053	5,749	9,802
	Total	4,079	5,824	9,903

69

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

Table 10: Dissolutions granted¹ in the civil courts by procedure, 2011-12 to 2016-17

Year	Court	Ordinary	Simplified	Total
2016-17	Court of Session	0	5	5
	Sheriff courts ²	3	75	78
	Total²	3	80	83
2015-16	Court of Session	1	2	3
	Sheriff courts	5	88	93
	Total	6	90	96
2014-15	Court of Session	0	2	2
	Sheriff courts	3	76	79
	Total	3	78	81
2013-14	Court of Session	0	3	3
	Sheriff courts	7	51	58
	Total	7	54	61
2012-13	Court of Session	0	3	3
	Sheriff courts	4	60	64
	Total	4	63	67
2011-12	Court of Session	0	3	3
	Sheriff courts	3	40	43
	Total	3	43	46

67

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

Table 11: Debt cases initiated and disposed of¹ in the civil courts, by case type, 2008-09 to 2016-17

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	% change	% change
											since 2015-16	since 2008-09
Initiated	Court of Session	23	1	4	8	6	5	70	8	6	-25	-74
	Sheriff: ordinary cause	14,669	12,054	9,200	6,944	5,487	4,586	4,407	5,342	4,483	-16	-69
	Sheriff: commercial	400	318	223	266	222	241	378	335	259	-23	-35
	Sheriff: summary cause ²	7,157	5,307	4,415	3,922	3,381	3,114	3,258	3,896	2,336	-40	-67
	Sheriff: small claim	43,549	38,251	31,533	29,110	26,803	27,444	25,642	25,338	17,522	-31	-60
	Sheriff: simple procedure ³	z	z	z	z	z	z	z	z	5,961	z	z
	Total initiated	65,798	55,931	45,375	40,250	35,899	35,390	33,755	34,919	30,567	-12	-54
Disposed	Court of Session	28	16	2	2	2	6	4	8	13	63	-54
	Sheriff: ordinary cause	12,553	10,150	7,729	5,885	4,534	3,566	3,520	3,902	3,560	-9	-72
	Sheriff: commercial	252	231	166	175	117	143	303	222	183	-18	-27
	Sheriff: summary cause ²	7,097	5,772	4,337	3,884	3,324	2,906	3,199	3,490	3,024	-13	-57
	Sheriff: small claim	38,594	40,347	31,026	28,934	26,023	25,876	26,319	24,953	22,149	-11	-43
	Sheriff: simple procedure ³	z	z	z	z	z	z	z	z	962	z	z
	Total disposed	58,524	56,516	43,260	38,880	34,000	32,497	33,345	32,575	29,891	-8	-49

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

2. First phase of simple procedure replaces the more straightforward cases of summary cause from 28 November 2016

3. The first phase of simple procedure replaces the small claims and the more straightforward cases under summary procedure. It commenced on 28 November 2016 and therefore does not cover a full year.

Table 12: Debt cases initiated and disposed of¹ in the civil courts, by case type and final disposal, 2016-17

Case type	Initiated	Disposed	Disposed						
			Absolvitor	For pursuer		Decree by default ²	Dismissed ³	Expenses only ³	Other
				Defended	Undefended				
Court of Session	6	13	8	0	3	0	2	0	0
Sheriff: ordinary cause	4,483	3,560	386	335	2,174	32	598	17	18
Sheriff: commercial	259	183	38	25	86	5	24	1	4
Sheriff: summary cause ⁴	2,336	3,024	141	215	1,796	12	815	11	34
Sheriff: small claim	17,522	22,149	564	1,218	12,474	171	7,346	158	218
Sheriff: simple procedure ⁵	5,961	962	9	64	574	0	307	7	1
Total	30,567	29,891	1,146	1,857	17,107	220	9,092	194	275

- 69
1. Figures for initiations and disposals do not necessarily refer to the same cases.
 2. Decree by default is a new category brought through by the new case management system. Data for this new category only covers November 2016 to March 2017.
 3. Data from the new case management system is not currently split between 'defended' and 'undefended', therefore these have been combined into a single category.
 4. First phase of simple procedure replaces the more straightforward cases of summary cause from 28 November 2016.
 5. The first phase of simple procedure replaces the small claims and the more straightforward cases under summary procedure. It commenced on 28 November 2016 and therefore does not cover a full year.

Table 13: Personal injury cases initiated and disposed of¹ in the civil courts², by case type, 2008-09 to 2016-17

Cases	Case type	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	% change since 2015-16	% change since 2008-09
Initiated	Road traffic accident	3,441	4,635	5,790	4,613	5,106	4,770	5,143	4,897	4,955	1	44
	Accident at work	1,921	1,844	1,802	1,750	1,758	1,797	1,817	1,721	1,480	-14	-23
	Clinical negligence	173	189	207	222	203	262	629	388	351	-10	103
	Asbestos	242	541	345	294	436	320	458	300	316	5	31
	Other	1,211	2,557	955	931	1,190	1,138	1,163	1,460	1,276	-13	5
	Total initiated	6,988	9,766	9,099	7,810	8,693	8,287	9,210	8,766	8,378	-4	20
Disposed	Road traffic accident	1,588	2,977	4,607	4,619	4,130	3,893	3,970	4,197	3,630	-14	129
	Accident at work	1,343	1,596	1,529	1,627	1,570	1,653	1,623	1,560	1,205	-23	-10
	Clinical negligence	32	104	124	133	154	178	195	238	232	-3	625
	Asbestos	214	181	168	216	365	598	633	430	430	0	101
	Other	2,193	1,343	1,074	1,775	1,444	1,079	941	1,108	1,095	-1	-50
	Total disposed	5,370	6,201	7,502	8,370	7,663	7,401	7,362	7,533	6,592	-12	23

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

2. Includes Court of Session, sheriff courts and Sheriff Personal Injury Court (from 22 September 2015).

Table 14: Personal injury cases¹ initiated and disposed of in the Court of Session, 2016-17

Case type	Initiated	Disposed	Disposed							
			Absolutor	Dismissed		For pursuer		Expenses only		Other
				Defended	Undefended	Defended	Undefended	Defended	Undefended	
Accident at work	91	370	289	3	0	68	0	0	0	10
Road traffic accident	116	217	162	1	3	38	6	0	0	7
Clinical negligence	193	145	118	8	1	8	1	1	0	8
Asbestos	93	400	310	2	2	66	5	0	0	15
<i>Live mesothelioma</i>	23	26	15	0	0	7	1	0	0	3
<i>Post mesothelioma</i>	56	55	38	0	1	11	0	0	0	5
<i>Pleural plaques</i>	0	225	183	1	1	34	2	0	0	4
<i>Pleural thickening</i>	0	21	18	0	0	2	0	0	0	1
<i>Other</i>	14	73	56	1	0	12	2	0	0	2
Repetitive strain injury	1	18	15	0	0	3	0	0	0	0
Vibration white finger	0	8	5	0	0	3	0	0	0	0
Relative's claim	4	3	2	0	0	1	0	0	0	0
Other	41	212	156	4	3	42	2	0	0	5
Total	539	1,373	1,057	18	9	229	14	1	0	45

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

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

Table 15: Ordinary cause personal injury cases initiated and disposed of^{1,2} in the sheriff courts³, 2016-17

Case type	Initiated	Disposed	Disposed						
			Absolutor	For pursuer		Decree by default ⁴	Dismissed ⁵	Expenses only ⁵	Other
				Defended	Undefended				
Road traffic accident	1,500	1,073	367	628	38	1	27	3	9
Accident at work	184	196	114	61	7	0	12	1	1
Clinical negligence	51	55	42	3	1	0	9	0	0
Asbestos	7	18	15	2	0	0	1	0	0
Relative's claim	2	1	1	0	0	0	0	0	0
Vibration white finger	3	2	2	0	0	0	0	0	0
Repetitive strain injury	2	1	1	0	0	0	0	0	0
Slip, trip or fall	74	7	6	1	0	0	0	0	0
Other	246	282	159	70	9	2	37	2	3
Total	2,069	1,635	707	765	55	3	86	6	13

72

1. From 2 November 2009 personal injury cases with a claim amount of more than £5,000 are raised under a new ordinary cause - personal injury court procedure. Either party can request permission from the sheriff to opt out of this procedure and use the standard ordinary cause procedure. All personal injury cases with a claim amount of more than £5,000 are shown in the table above, irrespective of the procedure used.
2. Figures for initiations and disposals do not necessarily refer to the same cases.
3. Excludes Sheriff Personal Injury Court.
4. Decree by default is a new category brought through by the new case management information system. Data for this new category only covers November 2016 to March 2017.
5. Data from the new case management system is not currently split between 'defended' and 'undefended', therefore these have been combined into a single category.

Table 16: Summary cause personal injury cases initiated and disposed of¹ in the sheriff courts², 2016-17

Case type	Initiated	Disposed	Disposed						
			Absolutor	For pursuer		Decree by default ³	Dismissed ⁴	Expenses only ⁴	Other
				Defended	Undefended				
Road traffic accident	2,507	1,902	536	484	395	5	440	21	21
Accident at work	70	91	45	21	12	0	12	1	0
Asbestos	0	2	1	0	0	0	1	0	0
Clinical negligence	2	3	2	0	0	0	1	0	0
Relative's claim	6	2	0	1	0	0	1	0	0
Repetitive strain injury	1	1	0	0	0	0	1	0	0
Slip, trip or fall	36	5	1	0	1	0	3	0	0
Other	192	215	102	53	30	0	26	1	3
Total	2,814	2,221	687	559	438	5	485	23	24

73

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

2. Excludes Sheriff Personal Injury Court.

3. Decree by default is a new category brought through by the new case management system. Data for this new category only covers November 2016 to March 2017.

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

Table 17: Civil law cases initiated and disposed of¹ in the Sheriff Personal Injury Court², 2016-17

Case Type	Initiated	Disposed
Accident at work	1,135	548
Road traffic accident	832	438
Pleural plaques	153	100
Clinical negligence	105	29
Asbestos	216	10
Slip, Trip or Fall	86	6
Vibration white finger	14	6
Repetitive strain injury	4	1
Relative's claim	1	1
Live Mesothelioma	1	0
Other	409	224
Total	2,956	1,363

74

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

Table 18: Damages cases initiated and disposed of¹ in the civil courts, by case type, 2008-09 to 2016-17

Cases	Procedure	2008-09	2009-10³	2010-11³	2011-12³	2012-13	2013-14	2014-15	2015-16	2016-17	% change since 2015-16	% change since 2008-09
Initiated	Court of Session ²	337	529	300	367	357	369	286	409	170	-58	-50
	Sheriff: ordinary cause	738	791	630	491	496	447	400	412	658	60	-11
	Sheriff: commercial	38	54	163	37	34	51	46	15	25	67	-34
	Sheriff: summary cause ⁴	434	561	453	488	382	441	271	222	292	32	-33
	Sheriff: small claim	3,080	2,918	2,586	2,364	2,009	1,887	1,348	1,238	1,122	-9	-64
	Sheriff: simple procedure ⁵	z	z	z	z	z	z	z	z	z	543	z
Total initiated		4,627	4,853	4,132	3,747	3,278	3,195	2,351	2,296	2,810	22	-39
Disposed	Court of Session ²	206	212	315	313	298	359	355	249	212	-15	3
	Sheriff: ordinary cause	1,415	666	595	675	623	435	304	263	390	48	-72
	Sheriff: commercial	29	26	18	30	8	16	24	140	19	-86	-34
	Sheriff: summary cause ⁴	410	450	457	452	383	340	287	205	267	30	-35
	Sheriff: small claim	2,409	2,710	2,397	2,149	1,982	1,758	1,380	1,266	1,239	-2	-49
	Sheriff: simple procedure ⁵	z	z	z	z	z	z	z	z	z	49	z
Total disposed		4,469	4,064	3,782	3,619	3,294	2,908	2,350	2,123	2,176	2	-51

75

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

2. Includes ordinary and commercial cases.

3. During processing of 2016-17 data we discovered that commercial damage cases were omitted on the Court of Session for the years 2009-10 to 2011-12. This affects both initiations and disposals. These have now been corrected.

4. First phase of simple procedure replaces the more straightforward cases of summary cause from 28 November 2016.

5. The first phase of simple procedure replaces the small claims and the more straightforward cases under summary procedure. It commenced on 28 November 2016 and therefore does not cover a full year.

Table 19: Damages cases initiated and disposed of¹ in the civil courts, by case type and final disposal, 2016-17

Court type	Case type	Initiated	Disposed	Disposed					
				Absolvitor	For Pursuer		Dismissed ²	Expenses Only ²	Other
					Defended	Undefended			
Court of Session	Ordinary	119	134	102	10	4	9	0	9
	Commercial	51	78	53	8	5	8	0	4
	Court of Session total	170	212	155	18	9	17	0	13
Sheriff courts	Small claim	1,122	1,239	377	63	238	535	10	16
	Ordinary cause	658	390	166	78	40	95	5	6
	Summary cause ³	292	267	82	23	51	105	0	6
	Commercial	25	19	13	1	3	1	0	1
	Simple procedure ⁴	543	49	9	0	0	27	0	13
	Sheriff courts total	2,640	1,964	647	165	332	763	15	42
Civil courts total		2,810	2,176	802	183	341	780	15	55

76

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

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

3. First phase of simple procedure replaces the more straightforward cases of summary cause from 28 November 2016.

4. The first phase of simple procedure replaces the small claims and the more straightforward cases under summary procedure.

It commenced on 28 November 2016 and therefore does not cover a full year.

Table 20: Repossession cases initiated and disposed of¹ in the sheriff courts, by procedure, 2008-09 to 2016-17

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	% change since 2015-16	% change since 2008-09
Initiated	Ordinary cause	10,135	8,256	4,245	79	64	54	67	58	17	-71	-100
	Commercial	0	6	4	0	0	1	0	0	0	z	z
	Summary application	6	4	975	6,673	5,321	4,715	3,201	1,816	1,736	-4	28,833
	Total initiated	10,141	8,266	5,224	6,752	5,385	4,770	3,268	1,874	1,753	-6	-83
Disposed	Ordinary cause	7,181	6,476	5,083	253	90	74	61	53	26	-51	-100
	Commercial	1	4	1	3	0	0	1	0	0	z	-100
	Summary application ²	0	6	489	3,987	4,003	3,386	2,597	1,570	1,480	-6	z
	Total disposed	7,182	6,486	5,573	4,243	4,093	3,460	2,659	1,623	1,506	-7	-79

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

2. The number of summary application cases disposed of is likely an underestimate.

3. z refers to data not being applicable.

Table 21: Summary application repossession cases initiated and disposed of^{1,2} in the sheriff courts, by case type and final disposal, 2016-17

Case Type	Initiated	Disposed	Disposed		
			Granted	Dismissed	Other³
Repossession summary application	1,736	1,480	969	495	16

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

Table 22: Eviction cases initiated and disposed of¹ in the sheriff courts, 2008-09 to 2016-17

Cases	Procedure	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	% change since 2015-16	% change since 2008-09
Initiated	Summary cause	19,944	16,528	14,160	13,979	10,532	11,778	13,750	14,690	14,304	-3	-28
Disposed	Summary cause	19,191	16,986	14,906	13,972	12,358	11,613	12,892	13,905	14,459	4	-25

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

Table 23: Summary cause eviction cases initiated and disposed of^{1,2} in the sheriff courts, by case type and final disposal, 2016-17

Case Type	Initiated	Disposed	Disposed						
			Absolvitor	For pursuer		Decree by default ³	Dismissed ⁴	Expenses only ⁴	Other ⁵
				Defended	Undefended				
Eviction summary cause	14,304	14,459	18	1,033	7,228	82	5,126	868	104

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. Decree by default is a new category brought through by the new case management information system. Data for this new category only covers November 2016 to March 2017.
4. Data from the new case management system is not currently split between 'defended' and 'undefended', therefore these have been combined into a single category.
5. Includes cases disposed as refused, dropped from roll and withdrawn.

Table 24: Petitions for judicial review initiated and disposed of^{1,2} in the Petition Department of the Court of Session, 2008-09 to 2016-17

		2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	% change since 2015-16	% change since 2008-09
Initiated	Judicial review											
	<i>Environmental</i>	0	0	2	2	1	3	4	1	3	200	z
	<i>Housing</i>	2	1	4	1	.	1	2	13	15	15	650
	<i>Immigrants</i>	177	210	266	195	224	231	323	393	262	-33	48
	<i>Licensing board</i>	0	1	1	0	1	1	1	0	0	z	z
	<i>Planning permission</i>	5	10	8	11	8	6	12	7	4	-43	-20
	<i>Prison authorities</i>	18	107	7	3	10	17	17	24	6	-75	-67
	<i>Social security benefits</i>	0	0	0	0	1	.	1	3	5	67	z
	<i>Other</i>	30	49	54	31	48	49	39	55	48	-13	60
Total		232	378	342	243	293	308	399	496	343	-31	48
Disposed	Judicial review											
	<i>Environmental</i>	0	0	1	2	1	2	0	1	1	0	z
	<i>Housing</i>	5	1	3	1	0	1	1	7	17	143	240
	<i>Immigrants</i>	153	168	182	267	229	203	229	314	397	26	159
	<i>Licensing board</i>	1	1	0	2	0	1	1	1	0	-100	-100
	<i>Planning permission</i>	4	7	5	11	12	4	7	12	5	-58	25
	<i>Prison authorities</i>	15	18	12	95	101	19	10	23	13	-43	-13
	<i>Social security benefits</i>	0	0	0	0	1	0	1	1	2	100	z
	<i>Other</i>	34	32	39	34	26	40	38	43	50	16	47
Total		212	227	242	412	370	270	287	402	485	21	129

81

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

Table 25: Civil law appeals initiated and disposed of¹ in the Sheriff Appeal Court², 2016-17

Cases	Initiated	Disposed
Appeals from small claim	30	18
<i>Miscellaneous</i>	2	0
<i>Payment</i>	28	18
Appeals from summary cause	45	26
<i>Heritable</i>	29	21
<i>Payment</i>	13	5
<i>Personal injury</i>	3	0
Appeals from ordinary cause³	175	100
<i>Debt</i>	40	38
<i>Family</i>	45	27
<i>Personal injury</i>	14	5
<i>Commercial</i>	7	4
<i>Heritable</i>	8	2
<i>Other</i>	61	24
Other appeals⁴	36	25
Total	286	169

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

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

3. Includes summary applications.

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

Table 26: Civil law applications to the Court of Session for permission (leave) to appeal to UK Supreme Court, 2016-17

Case Type	Initiated	Disposed	Disposed		
			Granted	Refused	Withdrawn
Civil law applications	41	41	7	31	3

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

Table 27: Civil law cases initiated in the Court of Session¹, sheriff courts² and Sheriff Personal Injury Court³, 2008-09 to 2016-17

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

1. Excludes appeals and reclaiming motions in the Inner House.
2. Includes summary applications for repossession cases only.
3. Sheriff Personal Injury Court was established on 22 September 2015.

An Official Statistics publication for Scotland

Official and National Statistics are produced to high professional standards set out in the Code of Practice for Official Statistics. Both undergo regular quality assurance reviews to ensure that they meet customer needs and are produced free from any political interference.

Correspondence and enquiries

For enquiries about this publication please contact:

Paul Gona,
Justice Analytical Services,
Telephone: 0300 244 4931,
email: justiceanalysts@gov.scot

For general enquiries about Scottish Government statistics please contact:

Office of the Chief Statistician, Telephone: 0131 244 0442,
email: statistics.enquiries@gov.scot

How to access background or source data

The data collected for this statistical bulletin:

- are available in more detail through Scottish Neighbourhood Statistics
- are available via background tables: www.gov.scot/Topics/Statistics/Browse/Crime-Justice/Datasets/DatasetsCJS.
- may be made available on request, subject to consideration of legal and ethical factors.
- cannot be made available by Scottish Government for further analysis as Scottish Government is not the data controller.

Complaints and suggestions

If you are not satisfied with our service or have any comments or suggestions, please write to the Chief Statistician, 3WR, St Andrews House, Edinburgh, EH1 3DG, Telephone: (0131) 244 0302, email statistics.enquiries@gov.scot.

If you would like to be consulted about statistical collections or receive notification of publications, please register your interest at www.gov.scot/scotstat
Details of forthcoming publications can be found at www.gov.scot/statistics

ISBN: 978-1-78781-125-6

Crown Copyright

You may use or re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. See: www.nationalarchives.gov.uk/doc/open-government-licence/

APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA
PPDAS450606 (08/18)