



## The Judiciary in Scotland

The Judicial Office for Scotland provides support to the Lord President in his role as Head of the Scottish judges. All judges in Scotland are independent and make their decisions based on the law and the circumstances of each case.

Scotland has a unique justice system which is different to the rest of the UK.

### Civil cases

Civil cases are those in which one person brings an action against another person seeking some form of redress or other remedy. There is a wide range of civil matters. A few examples are: family issues such as divorce; personal injury claims; breaches of a contract and the review of local or central government decisions. The judge will decide what facts of the two sides presented in court have been proven and decide what should be done as a result. For example, if a person injured at work sues an employer for a sum of money (as damages), the judge decides whether the employer should pay the person, and if so, how much.

### Civil courts

There are different civil courts in Scotland.

The **Court of Session** is Scotland's highest civil court. Senior judges deal with high value cases including claims for more than £100,000. The Court, which sits in Edinburgh, is divided into the Outer House and the Inner House.

The **Outer House** hears cases when they first come to court (called first instance). Normally a single judge hears the case, but occasionally the judge will sit with a jury of 12 people.

If a party in a case is not satisfied with the decision, they can [appeal](#) it. If the appeal is allowed to go ahead, the original decision will be reviewed in court. Appeals are heard by the **Inner House** of the Court of Session. This Court can uphold the previous decision; overturn it; or change its terms. These cases are usually heard by 3 judges, although there

can be 5 or more for particularly significant or complex matters. Some appeals from the Inner House can go to the [UK Supreme Court](#).



Some judges have specialist roles such as those who hear commercial or family cases. For example, the [commercial court](#) hears cases including disputes over insurance transactions; contracts for the supply of goods; or business partnerships. The specialist court means the cases can be dealt with quickly and flexibly.

**Sheriff courts** deal with the majority of cases in Scotland and this includes almost all types of civil hearings<sup>1</sup>. There is no upper limit to the value of claims which can be brought in the sheriff court, however **all** claims with a value of £100,000 or less must be raised in this court. It also hears most family cases such as adoption.

The Sheriff Appeal Court is one of Scotland's newest courts having been established in 2015. It sits in both Edinburgh, where usually 2 or 3 appeal sheriffs hear a case, and in local courts, where a single appeal sheriff will hear more routine cases.

---

<sup>1</sup> [Judicial review](#); certain [child abduction](#) cases; patent cases and exchequer matters are dealt with only at the Court of Session.

## **Simple Procedure**

Simple procedure was introduced in 2016. It is a way to resolve disputes where a claim is less than £5000 in a way that is intended to be informal, quick and inexpensive. Read more about [Simple Procedure](#).

## **Personal Injury Court**

The All-Scotland Sheriff Personal Injury Court, based in Edinburgh, is another new court, also established in 2015. Specialist sheriffs deal with cases where people sue for damages for personal injury. The Court aims to conduct business efficiently with a significant number of procedural matters being dealt with electronically. The sheriffs in the Personal Injury Court hear cases from all over Scotland. They hear evidence when a defended or disputed case requires a decision (known as a judgment). In certain cases the sheriff may sit with a jury of 12 people. Read more about the [All Scotland Sheriff Personal Injury Court](#).

## **Future**

The court system is continually modernising. The Lord President plays a large part in promoting change. Current plans include extending the use of technology.

For more information, visit the Judiciary of Scotland website at <http://www.scotlandjudiciary.org.uk/1/0/Home>.

You can also follow us on Twitter [@JudgesScotland](#) or contact us at [judicialcomms@scotcourts.gov.uk](mailto:judicialcomms@scotcourts.gov.uk)

## This chart shows the civil courts in Scotland

