Changes to legislation: *Courts Reform (Scotland) Act 2014, Paragraph 23 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULE 5
MODIFICATIONS OF ENACTMENTS

PART 4

SIMPLE PROCEDURE

Legal Aid (Scotland) Act 1986

23 (1) Part 2 of Schedule 2 to the Legal Aid (Scotland) Act 1986 (proceedings in which civil legal aid is not available) is amended in accordance with this paragraph.

(2) In paragraph 3, sub-paragraph (c) (small claims) is repealed.

(3) After paragraph 3, insert—

"3A Civil legal aid shall not be available in relation to the following categories of simple procedure case (within the meaning of section 72(9) of the Courts Reform (Scotland) Act 2014) at first instance, namely—

(a) proceedings for payment of a sum of money not exceeding £3,000 (exclusive of interest and expenses), other than—

(i) proceedings in respect of aliment or interim aliment, and

(ii) actions for personal injury,

(b) actions ad factum praestandum and proceedings for the recovery of possession of moveable property in which (in either case) there is included, as an alternative to the claim, a claim for payment of a sum of money not exceeding £3,000 (exclusive of interest and expenses).

3B In paragraph 3A—

(a) "actions for personal injury" means actions to which section 17 or 18 of the Prescription and Limitation (Scotland) Act 1973 applies, and

(b) "actions ad factum praestandum" includes actions for delivery and actions for implement but does not include actions for count, reckoning and payment.".

Commencement Information

I1 Sch. 5 para. 23 in force at 28.11.2016 by S.S.I. 2016/291, art. 2, **sch.** (with art. 3(1)(3))

Changes to legislation:
Courts Reform (Scotland) Act 2014, Paragraph 23 is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 5A and cross-heading inserted by 2020 asp 9 s. 9
- sch. 1 para. 2(g)(h) inserted by 2021 asp 16 s. 15(8)