

SCHEDULE 5 MODIFICATIONS OF ENACTMENTS

PART 4

SIMPLE PROCEDURE

Heritable Securities (Scotland) Act 1894

20 In section 5 of the Heritable Securities (Scotland) Act 1894 (power to eject proprietor in personal occupation), after subsection (2) insert—

“(2A) Subsection (2) is subject to section 72(3) of the Courts Reform (Scotland) Act 2014 (which provides for certain proceedings for the recovery of heritable property to be subject to simple procedure).”.

Sheriff Courts (Civil Jurisdiction and Procedure) (Scotland) Act 1963

21 The Sheriff Courts (Civil Jurisdiction and Procedure) (Scotland) Act 1963 is repealed.

Conveyancing and Feudal Reform (Scotland) Act 1970

22 In section 24 of the Conveyancing and Feudal Reform (Scotland) Act 1970 (application by creditor to court for remedies on default), after subsection (1D) insert—

“(1E) Subsection (1D) is subject to section 72(3) of the Courts Reform (Scotland) Act 2014 (which provides for certain proceedings for the recovery of heritable property to be subject to 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(2) In paragraph 3, sub-paragraph (c) (small claims) is repealed.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).

Status: This is the original version (as it was originally enacted).

- 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.”.