



# Courts Reform (Scotland) Act 2014

## 2014 asp 18

### PART 3

#### CIVIL PROCEDURE

#### CHAPTER 6

#### VEXATIOUS PROCEEDINGS

#### **102 Power to make orders in relation to vexatious behaviour**

- (1) The Scottish Ministers may by regulations confer on the Court of Session, a sheriff or the Sheriff Appeal Court the power to make an order of a kind mentioned in subsection (2) in relation to a person who has behaved in a vexatious manner in civil proceedings before the Court of Session, sheriff or, as the case may be, Sheriff Appeal Court.
- (2) The order referred to in subsection (1) is an order that the person may do any of the following only with the permission of a court or a judge of any court—
  - (a) take such a step in those proceedings as is specified in the order,
  - (b) take such a step as is so specified in such other civil proceedings (whether or not those proceedings are before the Court of Session, sheriff or, as the case may be, Sheriff Appeal Court) as are so specified,
  - (c) institute civil proceedings in such a court as is so specified.
- (3) For the purpose of subsection (1), a person behaves in a vexatious manner in civil proceedings if the person—
  - (a) institutes the proceedings and they are vexatious, or
  - (b) makes a vexatious application in the course of the proceedings (whether or not they were instituted by the person).
- (4) Regulations under subsection (1) may include provision for—
  - (a) an order to be made on the application of a party to the proceedings or on the Court's or, as the case may be, sheriff's own initiative,

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**Changes to legislation:** Courts Reform (Scotland) Act 2014, Section 102 is up to date with all changes known to be in force on or before 26 May 2023. 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

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- (b) circumstances in which the Court or sheriff may make an order, and the requirements as to permission which may be imposed in an order in those circumstances,
  - (c) the factors which the Court or sheriff may take into account in deciding whether to make an order (including the person's behaviour in other civil proceedings, whether in Scotland or elsewhere),
  - (d) the courts in relation to which an order may have effect,
  - (e) the maximum period for which an order may have effect,
  - (f) the effect of an order in any other respects.
- (5) The Scottish Ministers must consult the Lord President of the Court of Session before making regulations under subsection (1).
- (6) Regulations under subsection (1)—
- (a) are subject to the negative procedure,
  - (b) may make different provision for different purposes,
  - (c) may make incidental, supplemental, consequential, transitional, transitory or saving provision.

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**Commencement Information**

- I1** S. 102 in force at 1.4.2015 for specified purposes by S.S.I. 2015/77, art. 2(2)(3), Sch.
- I2** S. 102 in force at 28.11.2016 in so far as not already in force by S.S.I. 2016/291, art. 2, sch.

**Changes to legislation:**

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**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\(8\)](#)