



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 3

CIVIL PROCEDURE

CHAPTER 1

SHERIFF COURT

Civil jury trials

70 Restrictions on granting a new trial

- (1) Subsection (2) applies where—
 - (a) an application is made under section 69(1) on the ground of undue admission of evidence, and
 - (b) the Sheriff Appeal Court is of the opinion that exclusion of the evidence in question could not have led to a different verdict from the one actually returned.
- (2) The Court must refuse to grant a new trial.
- (3) Subsection (4) applies where—
 - (a) an application is made under section 69(1) on the ground of undue rejection of documentary evidence, and
 - (b) the Sheriff Appeal Court is of the opinion that the documents in question would not have affected the jury's verdict.
- (4) The Court must refuse to grant a new trial.
- (5) Subsection (6) applies where—
 - (a) an application is made under section 69(1), and
 - (b) the Sheriff Appeal Court is of the opinion that—
 - (i) the only ground for granting a new trial is that damages awarded are excessive or inadequate, and

Changes to legislation: Courts Reform (Scotland) Act 2014, Section 70 is up to date with all changes known to be in force on or before 24 April 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

- (ii) a new trial is essential to the justice of the case.
- (6) The Court may grant a new trial restricted to the question of the amount of damages only.
- (7) On an application under section 69(1), where the Sheriff Appeal Court is constituted by more than one Appeal Sheriff—
- (a) the Court may not grant a new trial except in conformity with the opinion of a majority of the Appeal Sheriffs hearing the application, and
 - (b) in the case of equal division, the Court must refuse to grant a new trial.

Modifications etc. (not altering text)

- C1** S. 70 amendment to earlier commencing S.S.I. 2015/247, art. 8(1) (1.1.2016) by [The Courts Reform \(Scotland\) Act 2014 \(Commencement No. 5, Transitional and Saving Provisions\) Order 2015 \(S.S.I. 2015/378\)](#), arts. 1(1), 5

Commencement Information

- I1** S. 70 in force at 22.9.2015 by [S.S.I. 2015/247](#), art. 2, [Sch.](#) (with art. 8)

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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\(8\)](#)