



# Courts Reform (Scotland) Act 2014

## 2014 asp 18

### PART 3

#### CIVIL PROCEDURE

#### CHAPTER 1

#### SHERIFF COURT

##### *Simple procedure*

### **81 Expenses in simple procedure cases**

- (1) The Scottish Ministers may by order provide that—
  - (a) in such category of simple procedure cases as may be prescribed in the order, no award of expenses may be made,
  - (b) in such other category of simple procedure cases as may be so prescribed, any expenses awarded may not exceed such sum as may be so prescribed.
- (2) The categories of simple procedure cases mentioned in subsection (1) may be prescribed by reference to—
  - (a) the value of the claim in the cases,
  - (b) the subject matter of the claim in the cases.
- (3) Categories may be prescribed subject to specified exceptions.
- (4) An order under subsection (1) does not apply—
  - (a) to simple procedure cases such as those mentioned in subsection (5),
  - (b) in relation to an appeal to the Sheriff Appeal Court from any decision in a simple procedure case, or
  - (c) to a simple procedure case in respect of which a direction under subsection (7) is made.
- (5) The simple procedure cases referred to in subsection (4)(a) are those in which—
  - (a) the defender—

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**Changes to legislation:** Courts Reform (Scotland) Act 2014, Section 81 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

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- (i) has not stated a defence,
  - (ii) having stated a defence, has not proceeded with it, or
  - (iii) having stated and proceeded with a defence, has not acted in good faith as to its merits, or
- (b) a party to the case has behaved [<sup>F1</sup>in a manner which is manifestly unreasonable] in relation to the case.
- (6) Subsection (7) applies where the sheriff in a simple procedure case is of the opinion that a difficult question of law, or a question of fact of exceptional complexity, is involved.
- (7) The sheriff may, at any stage, on the application of any party to the case, direct that an order under subsection (1) is not to apply in relation to the case.

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#### Textual Amendments

**F1** Words in s. 81(5)(b) substituted (30.6.2021) by [Civil Litigation \(Expenses and Group Proceedings\) \(Scotland\) Act 2018 \(asp 10\)](#), **ss. 12(2)**, 27(3); S.S.I. 2021/125, reg. 2(b) (with reg. 3)

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#### Commencement Information

**I1** S. 81 in force at 1.4.2015 for specified purposes by [S.S.I. 2015/77](#), art. 2(2)(3), **Sch.**

**I2** S. 81 in force at 28.11.2016 for specified purposes 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\(8\)](#)