



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 3

CIVIL PROCEDURE

CHAPTER 1

SHERIFF COURT

Simple procedure

72 Simple procedure

- (1) For the purposes of the procedure and practice in civil proceedings in the sheriff court, there is to be a form of procedure to be known as “simple procedure”.
- (2) Subject to the provisions of this Part, further provision about simple procedure is to be made by act of sederunt under section 104(1).
- (3) The following types of proceedings may only be brought subject to simple procedure (and no other types of proceedings may be so brought)—
 - (a) proceedings for payment of a sum of money not exceeding £5,000,
 - (b) actions of multiplepoinding where the value of the fund or property that is the subject of the action does not exceed £5,000,
 - (c) actions of furthcoming where the value of the arrested fund or subject does not exceed £5,000,
 - (d) actions ad factum praestandum, other than actions in which there is claimed, in addition or as an alternative to a decree ad factum praestandum, a decree for payment of a sum of money exceeding £5,000,
 - (e) proceedings for the recovery of possession of heritable property or moveable property, other than proceedings in which there is claimed, in addition or as an alternative to a decree for such recovery, a decree for payment of a sum of money exceeding £5,000.

Changes to legislation: *Courts Reform (Scotland) Act 2014, Section 72 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*

- (4) Subsection (3) is subject to sections 78 (transfer of cases to simple procedure), 80 (transfer of cases from simple procedure) and 83 (transitional provision: summary cause).
- (5) Subsection (3)(a) is subject to sections 73 and 74.
- (6) The calculation of a sum for the time being mentioned in subsection (3) is to be determined in accordance with provision made by the Court of Session by act of sederunt.
- (7) An act of sederunt under subsection (6) may make different provision for different purposes.
- (8) An act of sederunt under section 104(1) may make provision for the purposes of this Act for determining whether proceedings are of a type mentioned in subsection (3).
- (9) Proceedings that—
 - (a) are subject to simple procedure under subsection (3) or by virtue of any other enactment,
 - (b) are brought subject to simple procedure under section 74, or
 - (c) are continued subject to simple procedure by virtue of section 78 or 79,
 are referred to in this Part as a “simple procedure case”.
- (10) Subsection (9) is subject to section 80.
- (11) References in subsection (3) to a sum of money is to that amount exclusive of interest and expenses.
- (12) The Scottish Ministers may by order substitute for any sum for the time being specified in this section a different sum.

Commencement Information

- I1** S. 72 in force at 1.4.2015 for specified purposes by [S.S.I. 2015/77](#), art. 2(2)(3), [Sch.](#)
- I2** S. 72 in force at 28.11.2016 for specified purposes by [S.S.I. 2016/291](#), art. 2, [sch.](#) (with art. 3(1)(4))

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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\(8\)](#)