



# Courts Reform (Scotland) Act 2014

## 2014 asp 18

### PART 3

#### CIVIL PROCEDURE

#### CHAPTER 6

#### VEXATIOUS PROCEEDINGS

#### 100 Vexatious litigation orders

- (1) The Inner House may, on the application of the Lord Advocate, make a vexatious litigation order in relation to a person (a “vexatious litigant”).
- (2) A vexatious litigation order is an order which has either or both of the following effects—
  - (a) the vexatious litigant may institute civil proceedings only with the permission of a judge of the Outer House,
  - (b) the vexatious litigant may take a specified step in specified ongoing civil proceedings only with such permission.
- (3) In subsection (2)(b)—
  - (a) “specified ongoing civil proceedings” means civil proceedings which—
    - (i) were instituted by the vexatious litigant before the order was made, and
    - (ii) are specified in the order,
  - (b) “specified step” means a step specified in the order.
- (4) A vexatious litigation order has effect—
  - (a) during such period as is specified in the order, or
  - (b) if no period is so specified, indefinitely.
- (5) In this section and section 101—
  - (a) “the Inner House” means the Inner House of the Court of Session,
  - (b) “the Outer House” means the Outer House of the Court of Session,

*Status: Point in time view as at 28/11/2016.*

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- (c) “vexatious litigant” means, in relation to a vexatious litigation order, the person to whom the order relates,
- (d) “vexatious litigation order” means an order made under subsection (1).

**Commencement Information**

**I1** [S. 100](#) in force at 28.11.2016 by [S.S.I. 2016/291](#), art. 2, [sch.](#)

**101 Vexatious litigation orders: further provision**

- (1) The Inner House may make a vexatious litigation order in relation to a person only if satisfied that the person has habitually and persistently, without any reasonable ground for doing so—
  - (a) instituted vexatious civil proceedings, or
  - (b) made vexatious applications to the court in the course of civil proceedings (whether or not instituted by the person).
- (2) For the purpose of subsection (1), it does not matter whether the proceedings—
  - (a) were instituted in Scotland or elsewhere,
  - (b) involved the same parties or different parties.
- (3) A copy of a vexatious litigation order must be published in the Edinburgh Gazette.
- (4) A judge of the Outer House may grant permission to a vexatious litigant to institute civil proceedings or, as the case may be, to take a step in such proceedings only if satisfied that there is a reasonable ground for the proceedings or the taking of the step.
- (5) The decision of the judge to refuse to grant permission under subsection (4) is final.
- (6) Subsection (7) applies in relation to civil proceedings instituted in any court by a vexatious litigant before the Inner House makes a vexatious litigation order in relation to the vexatious litigant.
- (7) The court may make such order as it sees fit in consequence of the vexatious litigation order.
- (8) In subsection (7), “the court” means—
  - (a) the court which is dealing with the proceedings,
  - (b) in the case of proceedings in the sheriff court, the sheriff.

**Commencement Information**

**I2** [S. 101](#) in force at 28.11.2016 by [S.S.I. 2016/291](#), art. 2, [sch.](#)

**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.

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- (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,
  - (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.

#### **Commencement Information**

**I3** S. 102 in force at 1.4.2015 for specified purposes by S.S.I. 2015/77, art. 2(2)(3), Sch.

**I4** 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.

**Status:**

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**Changes to legislation:**

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