



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 3

CIVIL PROCEDURE

CHAPTER 1

SHERIFF COURT

Civil jury trials

69 Application for new trial

- (1) After the jury have returned their verdict in jury proceedings, any party to the proceedings may, on any ground specified in subsection (2), apply to the Sheriff Appeal Court for a new trial.
- (2) The grounds are—
 - (a) the sheriff misdirected the jury,
 - (b) undue admission or rejection of evidence,
 - (c) the verdict is contrary to the evidence,
 - (d) damages awarded are excessive or inadequate,
 - (e) new evidence or information has come to light since the trial,
 - (f) any other ground essential to the justice of the case.
- (3) On an application under subsection (1), the Sheriff Appeal Court may grant or refuse a new trial.
- (4) Subsection (3) is subject to section 70.
- (5) Where the Court grants a new trial—
 - (a) the verdict of the jury is set aside, and
 - (b) the proceedings are to be tried by another jury.
- (6) Subsection (7) applies where—

Status: This is the original version (as it was originally enacted).

- (a) an application is made under subsection (1) on the ground that the verdict is contrary to the evidence, and
 - (b) after hearing the parties, the Sheriff Appeal Court is of the opinion that—
 - (i) the ground is established, and
 - (ii) it has before it all the relevant evidence that could reasonably be expected to be obtained in relation to the proceedings.
- (7) The Court may, instead of granting a new trial—
- (a) set aside the verdict of the jury, and
 - (b) enter judgment for the party unsuccessful at the trial.
- (8) In a case where the Court is constituted by more than one Appeal Sheriff, the opinion referred to in subsection (6)(b) must be the opinion of all of them.