



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 3

CIVIL PROCEDURE

CHAPTER 4

LAY REPRESENTATION FOR NON-NATURAL PERSONS

97 Lay representation in other proceedings

- (1) This section applies in civil proceedings (other than a simple procedure case) to which a non-natural person is a party.
- (2) A lay representative may, if the court grants permission, conduct the proceedings on behalf of the non-natural person.
- (3) The court may grant permission if satisfied that—
 - (a) the non-natural person is unable to pay for the services of a legal representative to conduct the proceedings,
 - (b) the lay representative is a suitable person to conduct the proceedings, and
 - (c) it is in the interests of justice to grant permission.
- (4) For the purposes of subsection (3)(b), a lay representative is a suitable person to conduct the proceedings if—
 - (a) the lay representative holds a relevant position with the non-natural person,
 - (b) the responsibilities of the lay representative in that position do not consist wholly or mainly of conducting legal proceedings on behalf of the non-natural person or another person,
 - (c) the lay representative is authorised by the non-natural person to conduct the proceedings,
 - (d) the lay representative does not have a personal interest in the subject matter of the proceedings, and
 - (e) the lay representative is not the subject of an order such as is mentioned in section 98(2)(f).

Changes to legislation: *Courts Reform (Scotland) Act 2014, Section 97 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*

- (5) In subsection (4)(d), “personal interest” means an interest other than one that anyone holding the position that the lay representative holds with the non-natural person would have.
- (6) For the purposes of subsection (3)(c), in deciding whether it is in the interests of justice to grant permission, the court must have regard, in particular, to—
- (a) the non-natural person's prospects of success in the proceedings, and
 - (b) the likely complexity of the proceedings.
- (7) Subsection (2) is subject to provision made by an act of sederunt under section 98.
- (8) In this section—
- “civil proceedings” means civil proceedings in—
 - (a) the Court of Session,
 - (b) the Sheriff Appeal Court, or
 - (c) the sheriff court,
 - “the court”, in the case of proceedings in the sheriff court, means the sheriff.

Commencement Information

II S. 97 in force at 28.11.2016 by [S.S.I. 2016/291](#), art. 2, [sch.](#)

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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\(8\)](#)