



# 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).

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*Status: This is the original version (as it was originally enacted).*

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- (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.