

COURTS REFORM (SCOTLAND) ACT 2014

EXPLANATORY NOTES

THE ACT

Schedule 5 – Modifications of enactments

Part 4 – Simple procedure

Paragraph 20 – Heritable Securities (Scotland) Act 1894

316. This paragraph amends the Heritable Securities (Scotland) Act 1894 as amended by the Home Owner and Debtor Protection (Scotland) Act 2010 to reflect the creation of simple procedure by section 72 of the Act and the application of simple procedure to certain proceedings for the recovery of immoveable property by section 72(3).

Paragraph 21 – Sheriff Courts (Civil Jurisdiction and Procedure) (Scotland) Act 1963

317. This paragraph repeals the Sheriff Courts (Civil Jurisdiction and Procedure) (Scotland) Act 1963 which made provision for actions for aliment of small amounts by way of a summary cause action. Provision in this regard is now made by section 74 of the Act, which enables actions for aliment of small amounts to be made by simple procedure.

Paragraph 22 – Conveyancing and Feudal Reform (Scotland) Act 1970

318. This paragraph amends the Conveyancing and Feudal Reform (Scotland) Act 1970 as amended by the Home Owner and Debtor Protection (Scotland) Act 2010 to reflect the creation of simple procedure by section 72 of the Act and the application of simple procedure to certain proceedings for the recovery of immoveable property by section 72(3).

Paragraph 23 – Legal Aid (Scotland) Act 1986

319. There is a statutory bar on civil legal aid being available for small claims proceedings as set out in paragraph 3 of Schedule 2 to the Legal Aid (Scotland) Act 1986. As a consequence of this Act, the term “small claims” will no longer be used. This section ensures that the previous position is preserved by amending the 1986 Act and substituting the reference to small claims actions with a reference to those types of simple procedure cases which would be, but for the repeal of the Sheriff Courts (Scotland) Act 1971, treated as a small claim.