
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 291

The Courts Reform (Scotland) Act 2014 (Commencement No. 7, Transitional and Saving Provisions) Order 2016

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Courts Reform (Scotland) Act 2014 (Commencement No. 7, Transitional and Saving Provisions) Order 2016 and comes into force on 28th November 2016.

(2) In this Order—

“the 1898 Act” means the Vexatious Actions (Scotland) Act 1898(1);

“the 1971 Act” means the Sheriff Courts (Scotland) Act 1971(2);

“the 2014 Act” means the Courts Reform (Scotland) Act 2014;

“relevant claim” means—

(a) a claim raised on or after 28th November 2016 that would be a small claim but for the repeal of sections 35(2) to (4)(3), 36A, 36B(4) and 37(2B) and (2C)(5) and the words “other than a small claim” in section 38(b)(6) of the 1971 Act; or

(b) a claim which would be such a claim were the figures of £3000 within each of article 2(a) and (b) of the Small Claims (Scotland) Order 1988(7) figures of £5000; and

“small claim” has the meaning it has in section 35(2) of the 1971 Act.

Appointed day

2.—(1) Subject to paragraph (2), the day appointed for the coming into force of the provisions of the 2014 Act specified in column 1 of the table in the schedule of this Order (the subject matter of which is specified in column 2 of that table) is 28th November 2016.

(2) Where a purpose is specified in column 3 of the table in the schedule, a provision specified in column 1 of that table comes into force only for that purpose.

Small claims raised before 28th November 2016

3.—(1) The following provisions apply to small claims raised before 28th November 2016.

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- (1) [1898 c.35](#); as amended by the Administration of Justice (Scotland) Act [1933 \(c.41\)](#), section 3(1) and the Law Reform (Miscellaneous Provisions) (Scotland) Act [1980 \(c.55\)](#), section 19. The 1898 Act is repealed by paragraph 27 of schedule 5 of the 2014 Act.
- (2) [1971 c.58](#). The 1971 Act is to be repealed by paragraph 6(2) of schedule 5 of the 2014 Act and [S.I. 2015/700](#).
- (3) Section 35 has been amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act [1985 \(c.73\)](#), sections 18(1) and 59 and schedule 2, paragraph 14; the Bankruptcy and Diligence etc. (Scotland) Act [2007 \(asp 3\)](#), schedule 6, paragraph 1; and [S.S.I. 2007/507](#).
- (4) Sections 36A and 36B were inserted by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985, section 18(2).
- (5) Section 37 has been amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980, section 16 and the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985, section 18(3). The repeal of subsection (1)(b) was commenced on 22nd September 2015 by [S.S.I. 2015/247](#).
- (6) Section 38 has been amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985, section 18(4).
- (7) [S.I. 1988/1999](#); as amended by [S.S.I. 2007/496](#).

(2) Despite the repeal of sections 35(2) to (4), 36A, 36B and 37(2B) and (2C) and the words, “other than a small claim” in section 38(b) of the 1971 Act by paragraph 6(1) and (2) of schedule 5 of the 2014 Act, those sections and the Small Claims (Scotland) Order 1988 continue to apply to such claims.

(3) Despite the repeal of paragraph 3(c) of Part 2 of schedule 2 of the Legal Aid (Scotland) Act 1986 (proceedings in which civil legal aid is not available)(**8**), that paragraph continues to apply to such claims.

(4) Sections 72, 73, 77, 78, 80, 82 and 96 of the 2014 Act do not apply to such claims.

Savings as regards the Vexatious Actions (Scotland) Act 1898

4. Despite the repeal of the 1898 Act by paragraph 27 of schedule 5 of the 2014 Act—
- (a) the 1898 Act continues to apply to an application made under that Act before 28th November 2016; and
 - (b) an order under the 1898 Act (including as applied by paragraph (a)) continues to have effect.

St Andrew’s House,
Edinburgh
14th September 2016

ANNABELLE EWING
Authorised to sign by the Scottish Ministers

(8) 1986 c.47. Paragraph 3 has been amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985, section 18(1) and S.I. 1993/969.