

2015 No. 213

SHERIFF COURT

**The All-Scotland Sheriff Court (Sheriff Personal Injury Court)
Order 2015**

Made - - - - - *26th May 2015*

Laid before the Scottish Parliament *28th May 2015*

Coming into force - - - *22nd September 2015*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 41(1) and 133(1) of the Courts Reform (Scotland) Act 2014(a), article 5 of the Courts Reform (Scotland) Act 2014 (Consequential Provisions and Modifications) Order 2015(b) and all other powers enabling them to do so.

In accordance with section 41(3) of that Act the Scottish Ministers have obtained the consent of the Lord President of the Court of Session.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the All-Scotland Sheriff Court (Sheriff Personal Injury Court) Order 2015 and comes into force on 22nd September 2015.

(2) In this Order—

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

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

“personal injuries” includes any disease or impairment, whether physical or mental; and

“work” and “at work” have the meanings given in section 52 of the Health and Safety at Work etc. Act 1974 (meaning of work and at work)(d).

All-Scotland sheriff court: specified sheriffdom and specified sheriff court

2.—(1) A sheriff of the sheriffdom of Lothian and Borders sitting at Edinburgh Sheriff Court has jurisdiction extending territorially throughout Scotland for the purposes of dealing with the types of civil proceedings specified in article 3.

(2) An all-Scotland sheriff court(e) sitting by virtue of this Order is to be referred to as the Sheriff Personal Injury Court.

(a) 2014 asp 18.

(b) S.I. 2015/700.

(c) 1971 c.58.

(d) 1974 c.37. Section 52 was relevantly amended by section 2 of the Police (Health and Safety) Act 1997 (c.42).

(e) “all-Scotland sheriff court” is defined in section 42(7) of the Act.

All-Scotland sheriff court: specified types of civil proceedings

3. Civil proceedings are specified if—

- (a) they are actions of damages for, or arising from, personal injuries or death of a person from personal injuries; and
- (b) article 4 or 5 applies.

Actions for payment of a sum exceeding £5,000

4. This article applies where the proceedings would not be subject to simple procedure if they were brought under a sheriff's local jurisdiction(a).

Workplace-related actions

5.—(1) This article applies where the proceedings concern an accident at work or otherwise concern personal injuries sustained in the course of the pursuer's, or as the case may be, the deceased's work and paragraph (2) or (3) applies.

(2) This paragraph applies where the proceedings are for payment of a sum of money exceeding £1,000.

(3) This paragraph applies where a sheriff—

- (a) has made a direction under section 80(2) of the Act that the proceedings are no longer to be subject to simple procedure; and
- (b) has certified that the importance or difficulty of the proceedings makes it appropriate to transfer the proceedings to the Sheriff Personal Injury Court.

(4) Where proceedings to which paragraph (3) applies are heard in the Sheriff Personal Injury Court, section 80(3) of the Act does not apply and the proceedings are subject to such procedure as would have been applicable to them had they been brought originally in that court.

Transitional provision: summary cause proceedings

6.—(1) Paragraphs (2) and (3) have effect until section 72(3) of the Act (simple procedure) comes into force.

(2) Article 4 is to be read as if the reference to proceedings being subject to simple procedure were a reference to proceedings being a summary cause within the meaning of section 35(1) of the 1971 Act.

(3) Article 5(3)(a) applies as if the reference to a direction under section 80(2) of the Act were a reference to a direction under section 37(2) of the 1971 Act.

PAUL WHEELHOUSE

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
26th May 2015

(a) The sheriff's "local jurisdiction" is defined in section 42(4) of the Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for an all-Scotland sheriff court to be known as the Sheriff Personal Injury Court. Article 2 specifies Lothian and Borders as the relevant sheriffdom and Edinburgh as the relevant sheriff court. The Sheriff Personal Injury Court has jurisdiction extending territorially throughout Scotland for the purposes of dealing with the types of civil proceedings specified in article 3, namely personal injury actions for payment of a sum of money exceeding £5,000 (article 4) or below £5,000 in certain circumstances. Those circumstances are where the proceedings concern an accident at work or otherwise concern personal injuries sustained in the course of work and are for payment of a sum of money exceeding £1,000, or where a sheriff has certified that the importance or difficulty of the proceedings makes it appropriate to transfer the proceedings to the Sheriff Personal Injury Court (article 5). Proceedings so certified will cease to be subject to summary cause procedure, or simple procedure, as the case may be.

Sections 35 and 37 of the Sheriff Courts (Scotland) Act 1971 as referred to in article 4 are to be repealed by paragraph 6(2) of schedule 5 to the Courts Reform (Scotland) Act 2014.

A Business and Regulatory Impact Assessment has been prepared for this Order and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government Justice Directorate, St Andrews House, Edinburgh EH1 3DG.

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