

# Statistical Release

Crime and Justice Series

An Official Statistics Publication for Scotland

## **Civil Law Statistics in Scotland 2012-13 Main Points and Supporting Information**

24 March 2014

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## 1. Main points

The [civil law statistics in Scotland tables for 2012-13](#) are available from the crime and justice statistics pages of the Scottish Government website.

### General Trends

- There were **77,453 civil cases initiated** across both the Court of Session and the sheriff courts in 2012-13 (not including summary applications), a drop of 9 per cent since 2011-12 and **41 per cent since 2008-09**. (Table 1) (Table 2).
- Personal injury cases accounted for nearly **four out of five initiated cases in the Court of Session** General Department (79 per cent). (Table 1) (Table 13).
- Debt cases accounted for **half of all initiated cases in the sheriff courts** (50 per cent), as in previous years. (Table 2) (Table 10).

### Family

- There were **13,862 family cases** raised in Scottish courts in 2012-13, a drop of 7 per cent since 2008-09. More than 99 per cent of these were raised in sheriff courts, with only very few family cases raised in the Court of Session. (Table 5) (Table 6) (Table 7).
- Three in four family cases raised in the civil courts related to **divorce or dissolution of a civil partnership** (75 per cent). 10,282 divorce and 73 dissolution cases were initiated in civil courts in 2012-13. (Table 6) (Table 7).
- In 2012-13 the number of **dissolutions of civil partnerships granted was 67**, up from 46 in 2011-12. The Civil Partnership Act 2004 came into force on 5 December 2005, and the number of dissolutions has been rising steadily since the first two granted cases in 2007-08 (Table 1 of the Supplementary Tables on Divorces and Dissolutions<sup>1</sup>).
- In 2012-13 the number of **divorces granted was 9,684**, a drop of 2 per cent since 2011-12 and 14 per cent since 2008-09. (Table 1 of the Supplementary Tables on Divorces and Dissolutions<sup>1</sup>).
- The number of cases initiated relating to **parental responsibilities and rights was 2,751**, returning to similar levels as in the two financial years covering 2009-

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<sup>1</sup> The numbers of divorce cases initiated derive from the same aggregate data source as the other statistics in this publication and provide information on caseloads at courts. The statistics presented on granted divorces in the [Supplementary Tables on Divorces and Dissolutions in Scotland](#) are based on individual records updated on an on-going basis, and enable the detailed breakdown of cases granted by grounds, age, duration, marital status, celebration method and gender. Both data sources are recorded by the Scottish Court Service but differences in the timing and processing of the two extracts result in the case volumes not being directly comparable.

11, following a drop in 2011-12. Nearly two in three cases were decreed for the pursuer (62 per cent) while nearly one in three were dismissed (30 per cent). (Table 6)(Table 7).

## Debt

- The number of **debt cases initiated** in the civil courts decreased by 11 per cent during 2012-13 to **35,899**. This was a **decrease of 45 per cent** since 2008-09. The vast majority of these were raised in sheriff courts, with only 6 cases in the Court of Session. (Table 9).
- Three in four debt cases initiated (75 per cent) were raised using the **small claims procedure** which carries an upper limit of £3,000, up from two in three in 2008-09 (66 per cent). (Table 9) (Table 10).
- The **main disposals** of debt cases were for the pursuer (61 per cent) and dismissed (32 per cent). (Table 10).
- The vast majority of disposed debt cases were **undefended (90 per cent)**. (Table 10).
- The rate of debt cases initiated across all Scottish sheriffdoms was **7 cases per 1,000 population**. Glasgow and Strathkelvin Sheriffdom had the highest rate at 11 cases per 1,000 population, followed by South Strathclyde, Dumfries and Galloway Sheriffdom with 7 initiations per 1,000 population. (Table 11).

## Personal Injury

- Overall, **8,725 personal injury** cases were initiated in the civil courts during 2012-13, an increase of 11 per cent compared to 2011-12. Compared to 2010-11 however, initiations of personal injury cases were still lower, by 4 per cent. (Table 12).
- Over half of these related to **road traffic accidents** (59 per cent) and a further one in five related to **accidents at work** (20 per cent). (Table 12).
- The **main disposals** of personal injury cases were absolutor (60 per cent) and for the pursuer (29 per cent). (Table 13) (Table 14) (Table 15).

## Damages

- The number of damages cases initiated in the civil courts during 2012-13 **decreased by 11 per cent to 3,278**. This was a decrease of 29 per cent since 2008-09. (Table 16).
- Nearly nine out of ten damages cases (89 per cent) were initiated in **sheriff courts**. (Table 16).

- Over half (61 per cent) of damages cases were initiated as a **small claims procedure**. (Table 16) (Table 17).
- The **main disposals** of damages cases brought to court as small claims procedures were dismissed (46 per cent), absolvitor (34 per cent) and for pursuer (19 per cent). The main disposals of damage cases in other procedures were absolvitor (67 per cent), for pursuer (18 per cent) and dismissed (13 per cent). (Table 17).

### Repossession and Eviction

- **5,385 repossession and 10,532 eviction** cases were initiated in sheriff courts in 2012-13, down by 20 per cent and 25 per cent respectively since 2011-12 and both down by 47 per cent since 2008-09. (Table 18).
- Nearly all repossession cases were initiated as **summary application procedures** (99 per cent) and all eviction cases were initiated as **summary cause procedures**. (Table 18).
- Nearly four in five summary application repossession cases were **granted** (79 per cent) while one in five was dismissed (20 per cent). (Table 19).
- Nearly half of eviction cases resulted in a **decree for pursuer** (49 per cent) while around one in three was dismissed (34 per cent). (Table 19).

## 2. Introduction to civil law statistics in Scotland

Civil law is concerned with the rights and obligations of people and organisations. One way of resolving civil law disputes between people and organisations is for a case to be brought to court. In Scotland civil law cases are usually conducted in a sheriff court or the Court of Session. Common types of cases where civil law is used include debt, divorce and claims for personal injury.

The supporting information described here is designed to help people understand and use the [civil law statistics](#) tables available on the Scottish Government website. As well as information on the quality of the statistics, this document also contains an overview of the civil court structure, a description of recent changes in legislation, a historical overview of the volume of civil law cases and a list of definitions.

The format of the 2012-13 Civil Law Statistics in Scotland release is different from the statistics bulletins that were produced in previous years. The 2012-13 release consists of a series of [statistics tables](#) a description of the main points arising from the statistics and the supporting information provided here. An analysis bulletin describing civil law court statistics and other relevant data, such as that from the Scottish Crime and Justice Survey, is planned for the future.

### **3. Important notes on the use of civil law statistics**

The civil court statistics published by the Scottish Government relate only to the [principal crave](#) of cases. An individual case can involve a number of different case types. The case type which is listed first on the writ or summons is normally known as the principal crave and the others are described as ancillary craves. The feasibility of publication of statistics on ancillary craves is being investigated.

The large variety of case types and procedural outcomes that can be pursued in civil law mean that recording and reporting civil law court cases accurately and reliably is a challenge. One consequence is that the number of [ordinary cause](#) and [summary application](#) cases disposed of in the sheriff court is an underestimate. However, there is no evidence of any significant inaccuracies in the data for [summary cause](#) and [small claim](#) cases. More information about accuracy of the statistics and further guidance on use of the statistics is available from the [Quality of the statistics](#) section.

The statistics in the tables for initiations and disposals do not necessarily refer to the same cases. This is because not all the cases initiated in a year will be disposed in that same year.

Civil law statistics are used within the Scottish Government to inform decision and policy making and to monitor the impacts of policies which have been implemented. The statistics are also used in resource allocation by the Scottish Courts Service and to support third sector activity in lobbying and funding applications. The statistics also inform the public about the business of Scottish courts and facilitate academic research on civil law.

### **4. Recent civil legislation changes**

The [Home Owner and Debtor Protection \(Scotland\) Act 2010](#) came into force on 30 September 2010. This Act included a change to the way that repossession cases relating to mortgages and loans related to residential property are raised in court - these are now being raised as summary applications. Previously, nearly all court actions for repossession were made under ordinary cause procedure.

The statistics for court actions relating to repossessions are also affected by the [UK Supreme Court judgment in the RBS v Wilson case](#), issued on 24 November 2010. This resulted in all repossession cases being withdrawn from the courts and resubmitted as summary applications following the completion of the two month waiting period required by the judgment. These changes are reflected in the civil law statistics which show a drop to almost zero in the number of ordinary cause – ordinary procedure repossession cases and a corresponding rise in the number of summary application repossession cases. More information on the effect of these changes on civil law statistics is available from [Civil Law Statistics in Scotland 2011-12](#).

The statistics for asbestos-related pleural plaques in 2008-09 were affected by the impact of a [House of Lords decision](#) in October 2007, which upheld a majority decision of the Court of Appeal in England (and which was not binding on the courts of Scotland) that the existence of pleural plaques did not constitute actionable damage. Prior to this decision, individuals had been able to bring claims for compensation for pleural plaques since the 1980s.

The subsequent increase in asbestos-related pleural plaques in 2009-10 was mainly due to the [Damages \(Asbestos-related Conditions\) \(Scotland\) Act 2009](#), which came into force in June 2009 and allows individuals with asbestos-related pleural plaques and related conditions to raise a court case for personal injury. There have been relatively few disposals of these cases, as many were sisted (suspended) pending the UK Supreme Court's decision as regards a petition challenging the validity of the legislation which was lodged on behalf of a consortium of insurers<sup>2</sup>. That challenge was successfully defended in the Court of Session Outer House, the Court of Session Inner House and the Supreme Court in January 2010, April 2011 and October 2011 respectively.

## 5. The civil court structure in Scotland

Most civil law court cases involve disputes between people or organisations and are heard in a sheriff court or the Court of Session. Civil law court cases are carried out using one of three procedures:

**Ordinary cause** – This procedure is used where the case involves any monetary claim over £5,000, for cases involving family disputes or for many other cases where more complex legal issues arise. Cases carried out using this procedure may be heard in the Court of Session or the sheriff courts.

**Summary cause** – This procedure is used where the case involves any monetary claim over £3,000 and up to (and including) £5,000. It is also used for the recovery of rented property, for recovery of moveable property and for personal injury cases up to (and including) £5,000. Cases carried out using this procedure may be heard only in the sheriff courts at first instance.

**Small claims** – This is intended to be a relatively informal procedure for resolving disputes and is used where the case involves any monetary claim up to (and including) £3,000, except where the claim relates to aliment, defamation or personal injury. Cases carried out using this procedure may be heard only in the sheriff courts.

In addition to ordinary cause, summary cause and small claims cases, sheriff courts also handle applications which are made mainly under statutes (Acts of Parliament)

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<sup>2</sup> Axa General Insurance & Others v the Lord Advocate, October 2011

[http://www.supremecourt.gov.uk/decided-cases/docs/UKSC\\_2011\\_0108\\_Judgment.pdf](http://www.supremecourt.gov.uk/decided-cases/docs/UKSC_2011_0108_Judgment.pdf)

and carried out under **summary application** procedure, so-called because these applications can be disposed of in a brief and informal (or summary) manner.

## **6. Sheriff courts**

Sheriff courts are local courts of civil jurisdiction in Scotland. They also have jurisdiction in criminal law cases. For the 2012-13 period there were 49 sheriff courts, grouped into six sheriffdoms. Most civil law cases are heard before a sheriff. Each sheriffdom has a sheriff principal – a senior judicial officer who hears civil law case appeals, determines certain types of inquiry, performs statutory administrative functions and also has responsibility for the effective and efficient disposal of business in the sheriff and Justice of the Peace courts within the sheriffdom.

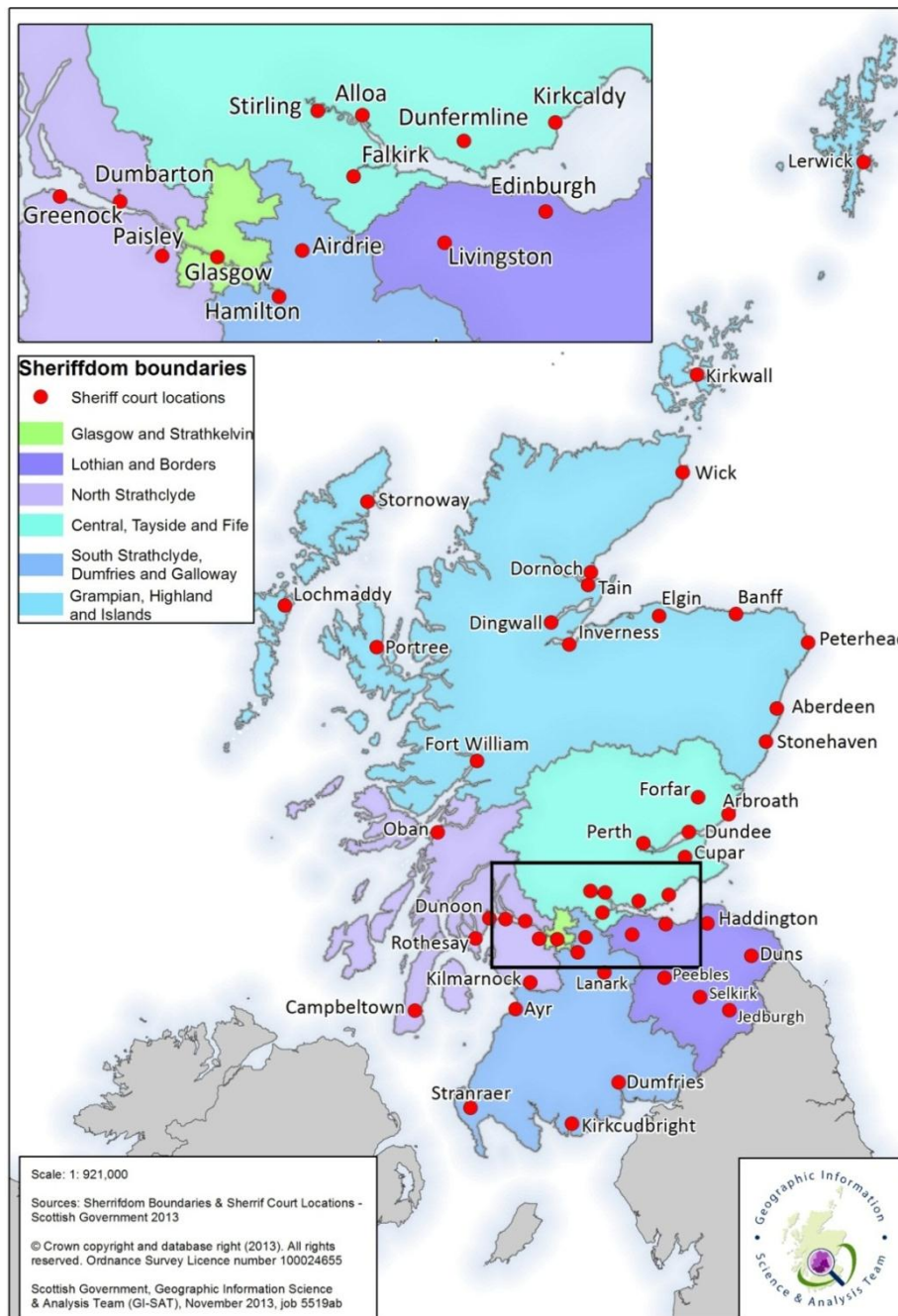
Sheriff courts also deal with commissary business relating to succession and access to a deceased person's estate. Commissary work mainly involves issuing confirmations, which are legal documents sometimes required by organisations such as banks, before they can release money and other property that belonged to someone who has died.

Appeals of civil cases which have been disposed in the sheriff courts can be made to the sheriff principal or the Inner House of the Court of Session, depending on the procedure used:

- Small claim appeals must be made to the sheriff principal whose decision is final
- Summary cause appeals must also be made to the sheriff principal in the first instance but the judgment of the sheriff principal may, if they certify the case as suitable, be appealed to the Inner House of the Court of Session
- Ordinary cause appellants may in some circumstances appeal to either the sheriff principal or the Court of Session. Where the case is appealed to the sheriff principal it may, in some circumstances, be further appealed to the Court of Session.



**Figure 1: Location of the sheriff courts in Scotland**



The sheriff courts at Dornoch, Kirkcudbright and Rothesay closed in November 2013. Further information on the future of court structures in Scotland is available from: [http://www.scotcourts.gov.uk/docs/default-source/scs-consultation-court-structures/response\\_to\\_the\\_consultation\\_and\\_recommendationspdf.pdf](http://www.scotcourts.gov.uk/docs/default-source/scs-consultation-court-structures/response_to_the_consultation_and_recommendationspdf.pdf)

## 7. Court of Session

The Court of Session is the highest civil court in Scotland. There are three departments within the Court of Session.



The **General Department** deals mainly with cases where one person wants to enforce a legal right against another. The General Department deals with a variety of case types including: personal injury, family, damages, interdict, intellectual property, debt and commercial.

The **Petition Department** deals with cases where the authority of the court is sought to deal with a variety of legal issues, other than disputes between people or organisations.

The **Inner House and Extracts Department** deals with all cases proceeding before the Inner House and the issue of official court documents allowing judgments of the court to be enforced, known as extracts.

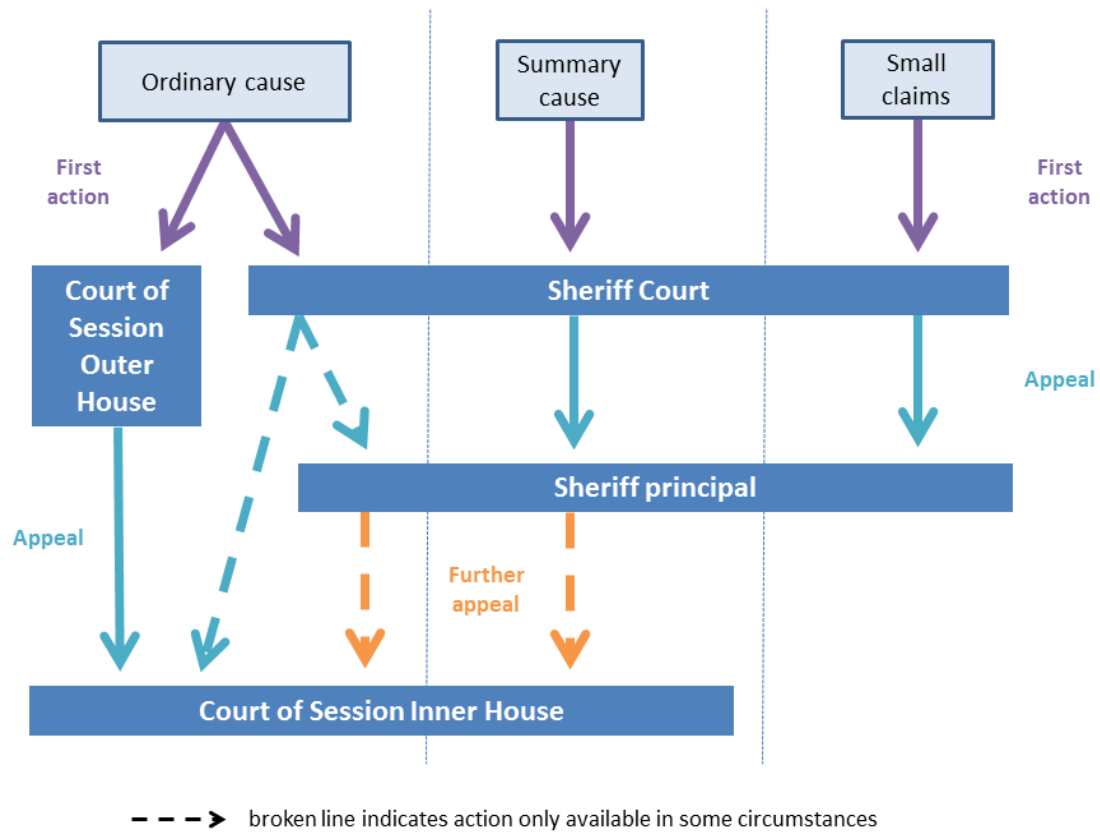
Cases are heard either in the Outer House or the Inner House. The Outer House is where the majority of cases are first heard. In this court, single judges normally preside over cases. The Inner House deals primarily with appeals, although it does hear a small amount of first instance business. At least three judges sit to hear cases in this court, except where the business is procedural in nature when a single judge may sit for most classes of appeal.

Appeals from the Outer House of the Court of Session, known as reclaiming motions, are made to the Inner House. The Inner House also hears appeals from the sheriff courts and certain tribunals and other bodies.

Appeals against judgments of the Inner House of the Court of Session may be made to the [Supreme Court of the United Kingdom](#), which was established on 1 October 2009 and replaced the House of Lords in its judicial function. A decision of the Inner House can be appealed to the UK Supreme Court. The general rule (with some exceptions) is that such appeals come to the UK Supreme Court without the requirement for permission by the Inner House but that they must be certified by two counsel as “reasonable” before they can be heard in the UK Supreme Court. Statistics on appeals from the Court of Session to the UK Supreme Court are not published by the Scottish Government.

Figure 2 displays the main relationships between civil law court procedures and the civil courts but it should be noted that there may be differences in certain circumstances. Summary applications and commissary business aren't represented in the diagram as the processes for dealing with these procedures vary depending on the subject matter of the case.

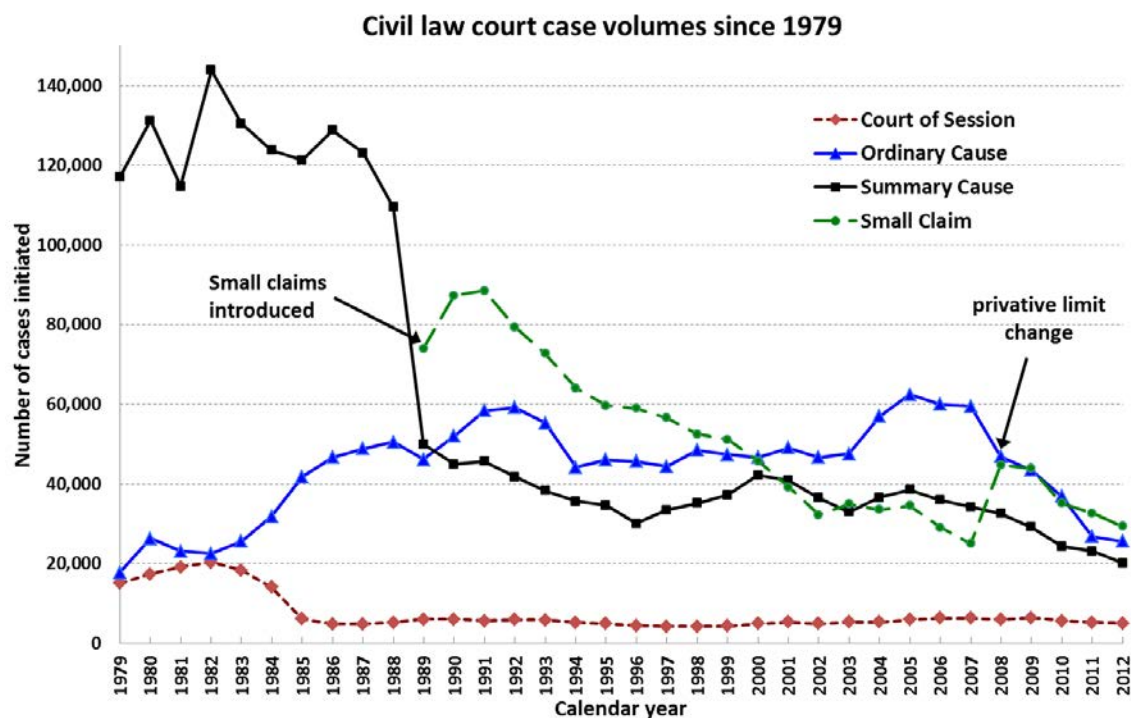
**Figure 2: Summary of court structure**



### 8. Historical time series of civil law court cases

The volume of civil law court cases in Scotland has changed over the last thirty years (Figure 3).

**Figure 3: Civil law court case volumes since 1979**



The volume of summary cause cases reduced substantially in 1989 following the introduction of the small claims procedure. This procedure was designed to make the court process easier and less formal for people making low value claims, originally up to and including £750. As a consequence, considerably fewer people had to use summary cause procedure which, until then, had been the least formal procedure available in the sheriff courts.

The number of small claims cases briefly increased following the procedure’s introduction but subsequently decreased until 2008, when the privative jurisdiction of various sheriff court procedures were increased. Small claims can now be made up to and including the value of £3,000 which has led to an increase in the number of cases initiated using this procedure. The number of cases initiated under ordinary cause procedure has been declining since reaching a peak of just over 60,000 in 2005. Changes to sheriff court jurisdiction limits in January 2008 lead to an increase in the number of small claims cases and a decrease in ordinary cause cases. The further decrease during 2011 seems to have been caused by the effects of the [Home Owner and Debtor Protection \(Scotland\) Act 2010](#).

The Court of Session handles a much lower volume of cases than the sheriff courts. In the early 1980s around 20,000 cases were initiated in the Court of Session but this has since dropped to between 4,000 and 6,000. Overall, the total number of civil law cases going through the courts has been decreasing since the early 1990s and fell below 100,000 for the first time in 2010.

## 9. Quality of the statistics

### Background

The large variety of case types and procedural outcomes that can be pursued in civil law mean that recording and reporting civil law court cases accurately and reliably is a challenge. The Scottish Government and the Scottish Court Service (SCS) have invested time over several years to identify the key data how best to strengthen the process of recording this in the courts as cost effectively as possible.

The publication of civil law court statistics was suspended after [Civil Judicial Statistics Scotland 2002](#) because of a lack of precision in the definition of data items that caused inconsistencies in the way in which courts captured and recorded civil data. This meant that the statistics that were published were unreliable and potentially misleading. Extensive work has since been conducted to identify and rectify instances of inconsistent recording of data. Following improvements to data quality, civil law statistics have been published since 2008-09. More recently users of civil law statistics have been consulted to identify data most useful to them.

To assist with the on-going improvement of civil law statistics, a dedicated ScotStat group has been created. The objectives of this group are to:

- identify the key strategic statistical information required by users
- develop and implement a strategy for prioritising and meeting these needs

The group has membership across the civil law community and meets once or twice a year. If you are interested in joining the group, please contact us using the details provided at the end of this document. More information about ScotStat, including links to the civil justice group, is available here:

<http://www.scotland.gov.uk/Topics/Statistics/scotstat>

### Specific points

The statistics produced between 2008-09 and 2012-13 have been assessed by the Scottish Government as being of sufficient quality to be published. However, when using the statistics, the following points should be considered.

The way in which the data are recorded means that if a case is appealed or reclaimed during the same month that it was disposed of then the original disposal will not be counted. However, as there are very few appeals and reclaiming motions each month this is not expected to have a significant impact on the data.

The civil law statistics for 2012-13 can be compared with statistics for 2008-09, 2009-10, 2010-11 and 2011-12. However, due to inconsistencies in the data prior to April 2008 and changes in recording methods and definitions, the statistics for 2008-

09 to 2012-13 should not be compared with data from the Civil Judicial Statistics Scotland bulletins for 2002 and earlier.

### **Ordinary cause**

The number of ordinary cause cases disposed of is an underestimate. Analysis of data suspected to be inaccurate and collected between April 2008 and February 2010 identified that about a fifth of the active ordinary cause cases may have been disposed of but were not marked as such in the electronic case management system. However, it could not be determined conclusively whether all the excess cases were in fact disposed of, as the analysed data were not representative of all data collected by the SCS. The number of ordinary cases marked incorrectly is hence likely to be smaller than a fifth.

A number of cases initiated do not proceed beyond having the initial writ or summons registered with the court. These cases cannot be classed as disposed of as they can be resumed under certain circumstances. The analysis found that up to around a tenth of the ordinary cause cases studied had no further action after initiation.

A number of cases are sisted (suspended), either for a defined period or until the occurrence of a particular event. Again, these cases are not disposed of as they may be resumed in the future but the SCS is investigating whether cases which have been sisted can be identified within the statistics. The analysis found that around a fifth of the ordinary cause cases studied were currently sisted.

### **Summary application**

The 'other' category on the SCS electronic case management system (CMS) includes a wide range of summary applications but some courts are recording activities under this case type which in future will not be recorded on CMS. These activities cannot be easily identified and excluded from the summary application case count and so the total number of summary application cases cannot be calculated.

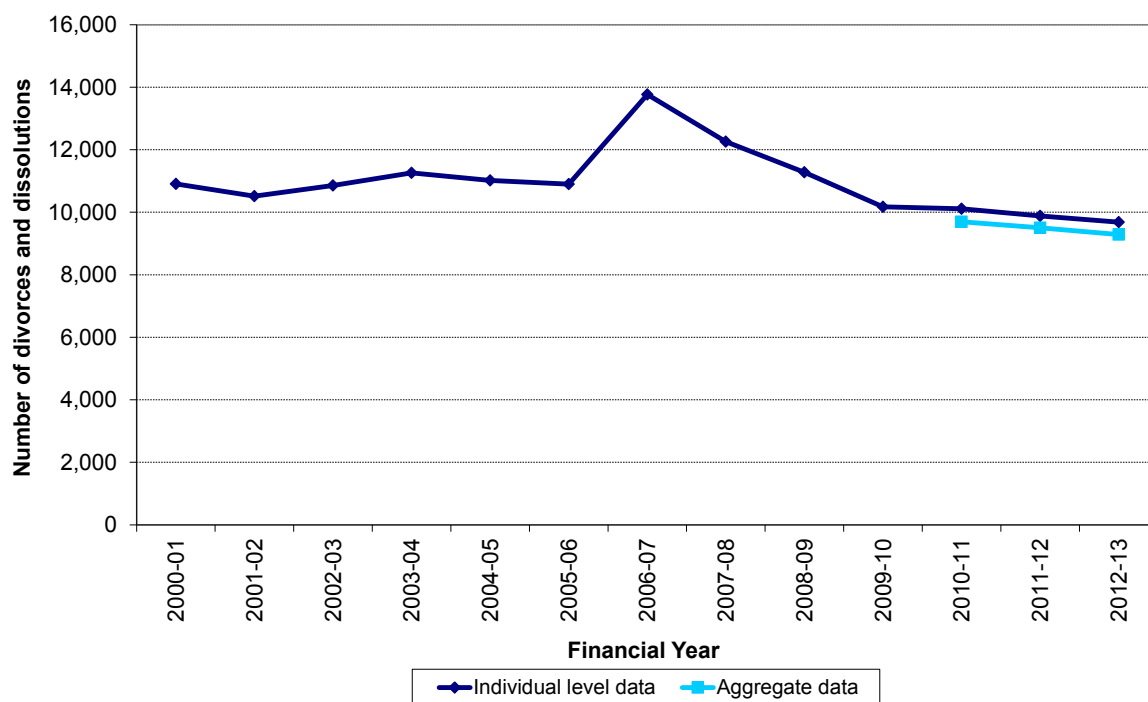
The number of cases disposed of is very likely to be an underestimate but the extent of the undercount is not known and it would be either too resource-intensive or, for some case types, impossible to estimate.

### **Divorce and dissolution data sources**

The headline divorce and dissolution statistics presented in Tables 5, 6 and 7 of the [main statistics](#) are derived from the same aggregate data source used to create statistics for other civil law case types. The [supplementary tables on divorces and dissolutions in Scotland](#) are based on individual records that are updated on an on-going basis and enable the detailed breakdown of cases granted by grounds, age, duration, marital status, celebration method and gender. Both data sources are

based on information recorded by the Scottish Court Service but there are differences in the timing and processing of the two extracts. These differences are small, as demonstrated by the comparison in Figure 4 of the total number of granted divorces and dissolutions from each source.

**Figure 4: Granted divorces and dissolutions from individual level and aggregate data**



## 10. Definitions

Given the complex nature of civil law, all descriptions and definitions given here are necessarily general in nature. They are intended to provide sufficient information to allow readers to understand civil law statistics but they are not official definitions.

The following terms are used to describe civil law case types.

### **Aliment**

Support or maintenance of a spouse / civil partner or child.

### **Child abduction**

Child abducted outside the UK and brought into Scotland.

### **Child in place of safety**

Warrant to continue keeping a child in a place of safety. [Children \(Scotland\) Act 1995 s67](#).

**Children's hearings - appeal**

Appeal against the decision of a children's hearing. [Children \(Scotland\) Act 1995 s51\(1\)](#).

**Children's hearings - referral**

Refer to the sheriff for a decision when the grounds for a children's hearing are denied or not understood by the child or relevant person. [Children \(Scotland\) Act 1995 s65\(7\)](#).

**Civil non-harassment order**

Restrain the conduct of a person. [Protection from Harassment Act 1997 s8](#) and [Domestic Abuse \(Scotland\) Act 2011 s8A](#).

**Commercial**

Actions arising out of, or concerned with, any transaction or dispute of a commercial or business nature which are carried out under specific commercial procedure.

**Company**

Actions relating to companies and how they operate, including liquidations.

**Damages**

Payment of money to compensate for non-personal loss or injury.

**Debt**

Payment of money, excluding damages and personal injury.

**Decree Dative**

Appointment of a person to administer the estate of a deceased person.

**Delivery**

Delivery of moveable goods or property. An alternative crave for payment is sometimes included in the event the goods or property are not returned.

**Exclusion order - child's home**

Local authority application to exclude a person from a child's home. [Children \(Scotland\) Act 1995 s76](#).

**Exclusion order - matrimonial**

Suspend the right of a spouse, civil partner or cohabitant to occupy the matrimonial home. [Matrimonial Homes \(Family Protection\) \(Scotland\) Act 1981 s4](#).

**Implement**

Fulfil an obligation or duty.

**Intellectual property**

Infringement of copyright, patents, trademarks, etc.



**Interdict**

Prevent a particular action being carried out, excluding Family Interdicts.

**Judicial review**

A remedy whereby the Court of Session may review and if necessary alter the decision of inferior courts, tribunals and other public offices and authorities where no other form of appeal is available.

**Land / heritable**

All actions relating to land or immovable property.

**Liquidation**

Wind up and dissolve a corporate body.

**Nobile officium**

An ancient 'noble office' or power of the Court of Session (and the High Court of Justiciary) which allows the Court to provide a legal remedy where none exists.

**Nullity of marriage / civil partnership**

Void a marriage / civil partnership.

**Parental responsibilities and rights**

All actions relating to parental responsibilities and rights under the [Children \(Scotland\) Act 1995 s11](#).

**Parental responsibilities and rights - contact**

Regulate the arrangements for maintaining personal relations between a child under 16 and a person with whom the child is not living. [Children \(Scotland\) Act 1995 s11\(2\)\(d\)](#).

**Parental responsibilities and rights - residence**

Regulate the arrangements as to with whom a child under 16 is to live. [Children \(Scotland\) Act 1995 s11\(2\)\(c\)](#).

**Parental responsibilities and rights - other**

Other actions relating to parental responsibilities and rights under the [Children \(Scotland\) Act 1995 s11](#), excluding contact and residence.

**Permanence order with authority to adopt**

Vest parental rights for a child in an adoption agency, permitting the placement of the child for adoption in advance of the adoption order. [Adoption and Children \(Scotland\) Act 2007 s80](#).

Permanence orders with authority to adopt replaced adoption freeing orders from September 2009. Any adoption freeing orders initiated before this date but disposed during 2010-11 are included in the statistics for permanence orders with authority to adopt.

**Personal injury - asbestos - live mesothelioma**

Payment of money to compensate for personal loss or injury. Mesothelioma is a cancer of the cells that make up the lining around the outside of the lungs and inside of the ribs, or around the abdominal organs. A mesothelioma sufferer (or someone with a Power of Attorney for a mesothelioma sufferer) is the pursuer.

**Personal injury - asbestos - post mesothelioma**

Payment of money to compensate for personal loss or injury. Mesothelioma is a cancer of the cells that make up the lining around the outside of the lungs and inside of the ribs, or around the abdominal organs. A mesothelioma sufferer's relative or executor is the pursuer and the sufferer has died and did not initiate court action themselves.

**Personal injury - asbestos - pleural plaques**

Payment of money to compensate for personal loss or injury relating to asbestos-related pleural plaques - scarring of the membranes around the lungs.

**Personal injury - asbestos - pleural thickening**

Payment of money to compensate for personal loss or injury relating to asbestos-related pleural thickening. Pleural thickening can cause breathlessness, asbestosis of the lungs, lung cancer and mesothelioma.

**Personal Injury - asbestos - other**

Payment of money to compensate for personal loss or injury relating to other asbestos-related illnesses.

**Personal injury - clinical negligence**

Payment of money to compensate for personal loss or injury relating to clinical negligence.

**Personal injury - relative's claim**

Payment of money to compensate for personal loss or injury to a relative of someone who has died.

**Personal injury - other**

Payment of money to compensate for other personal loss or injury.

**Repossession - mortgage / loan**

Repossess a property in breach / default of a mortgage or loan secured on the property. These cases can be initiated under ordinary cause or summary application procedure. Following the introduction of the [Home Owner and Debtor Protection \(Scotland\) Act 2010](#) on 30 September 2010, all repossession cases relating to mortgages or loans secured on residential property are to be raised as summary applications. Previously, nearly all court actions of this type were made under ordinary cause procedure.

**Repossession - non-mortgage / loan**

Repossess a building or land which is being occupied by someone other than the owner, excluding mortgage / loan repossessions. The pursuer is the owner and it is often, but not always, used to remove tenants who have not paid their rent.

**Succession**

Determine the rights of inheritance to a deceased person's estate.

**Summary warrant**

Authorise the steps to be taken to ensure the recovery of money owed by one or more debtors to certain public creditors.

**Suspension**

Suspend a charge.

**Trusts**

Actions relating to the creation and administration of trusts.

The following terms describe the disposal types for the main case types.

**Absolvitor**

An order which prevents the pursuer from bringing the same matter to court again. The majority of those orders will have been issued as a direct consequence of the parties coming to an out-of-court settlement

**Defended / undefended**

A case is defended if the defender lodges a notice of intention to defend or appear, or lodges answers. If the defender does not subsequently defend the case the final disposal is still marked as defended. Decree can be awarded in favour of the defender even if the case is not defended. For example, the parties could settle out of court and ask for the case to be dismissed before the defender lodges a notice of intention to defend. This would be recorded in the statistics as 'Dismissed, Undefended'.

**Dismissed (excluding appeals / reclaiming motions)**

Decree is granted in favour of the defender. The pursuer can raise further court action in relation to the same matter.

**Dropped from roll**

The application is dropped from the roll. The pursuer can lodge a motion to recall the case. This usually occurs when the pursuer fails to return the application to court for the initial hearing date and no party attends.

**Expenses only (Court of Session)**

The merits of the case are decided but the court reserves the question of expenses, which is dealt with at a later date. When expenses have been dealt with the case is finally disposed of and the final disposal is recorded as Expenses Only.

**Expenses only (sheriff courts)**

Expenses are awarded to the pursuer, with the rest of the matter dropped.

**For petitioner / pursuer / respondent**

Decree is granted in favour of the petitioner / pursuer / respondent.

**Granted**

Decree is granted in favour of the pursuer.

**Opposed / unopposed (petition department)**

A petition is opposed if the respondent lodges answers. It cannot be determined from the statistics whether unopposed petitions were awarded in favour of the petitioner, respondent, etc.

**Refused (excluding appeals / reclaiming motions)**

The case is refused. This could be for a number of reasons, for example on the basis that the case is incompetent, it has no merit, it is not insisted upon, etc.

**Withdrawn**

The case is withdrawn by the pursuer. This could be for a number of reasons, for example the case is incompetent, it has no merit, the pursuer does not wish to take the matter any further, etc.

The following terms describe the disposal types for Appeals / Reclaiming Motions

**Abandoned**

The appeal is abandoned and the original judgment stands.

**Adhered**

The original judgment is adhered to.

**Allowed**

The appeal is allowed and the original judgment is altered or reversed.

**Dismissed**

The appeal is not allowed and the original judgment is adhered to.

**Recalled**

The original judgment is recalled.

**Refused**

The appeal is refused and the original judgment is adhered to.

**Varied**

The original judgment is varied.

The following terms are used to describe civil law statistics.

**Ancillary crave**

Any second and subsequent legal remedies requested by the pursuer / petitioner, as stated in the initial writ / summons.

**Decree**

The order of the judge or sheriff disposing of a case.

**Defender / respondent**

The person or body against whom a case is raised.

**Disposed**

Completion of a case following the issuing of a final judgment.

**Initial writ / summons**

A form of document used to commence some court cases.

**Initiated**

Registering a case with the court.

**Principal crave**

The first legal remedy requested by the pursuer / petitioner, as stated in the initial writ / summons, etc.

**Pursuer / petitioner**

The person or body who is raising the court case.

**Reclaiming motion**

Appeals from the Outer House of the Court of Session, which are raised in the Inner House.

**Sisted**

Cases that have been suspended.

**11. Burden on data providers**

The estimated annual cost to the SCS of supplying and validating the data for the production of civil law statistics is £3,200. Details of the calculation methodology are available on the Scottish Government Crime and Justice Statistics website at <http://www.scotland.gov.uk/Topics/Statistics/Browse/Crime-Justice/costcalculationstat>.

## **12. Review policy**

The SCS continues to review the accuracy of the data it collects. Courts are issued with guidance on recording practices and it is up to individual courts to process cases in line with this guidance. There is no evidence to suggest significant differences in the 'classification' of case types between courts.

The SCS continues to work closely with the Scottish Government on improving civil law statistics and in communicating the limitations of the data and statistics produced from them. The SCS is considering how the accuracy of its data can be improved cost effectively including, for example, reducing the number of disposed cases that go uncounted and improving the accuracy of summary application cases recorded under the other category.

## AN OFFICIAL STATISTICS PUBLICATION FOR SCOTLAND

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To provide relevant and reliable information, analysis and advice that meet the needs of government, business and the people of Scotland.

For more information on the Statistician Group, please see the Scottish Government website at [www.scotland.gov.uk/statistics](http://www.scotland.gov.uk/statistics)

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