



# Courts Reform (Scotland) Act 2014

## 2014 asp 18

### PART 3

#### CIVIL PROCEDURE

#### CHAPTER 6

#### VEXATIOUS PROCEEDINGS

#### **101 Vexatious litigation orders: further provision**

- (1) The Inner House may make a vexatious litigation order in relation to a person only if satisfied that the person has habitually and persistently, without any reasonable ground for doing so—
  - (a) instituted vexatious civil proceedings, or
  - (b) made vexatious applications to the court in the course of civil proceedings (whether or not instituted by the person).
- (2) For the purpose of subsection (1), it does not matter whether the proceedings—
  - (a) were instituted in Scotland or elsewhere,
  - (b) involved the same parties or different parties.
- (3) A copy of a vexatious litigation order must be published in the Edinburgh Gazette.
- (4) A judge of the Outer House may grant permission to a vexatious litigant to institute civil proceedings or, as the case may be, to take a step in such proceedings only if satisfied that there is a reasonable ground for the proceedings or the taking of the step.
- (5) The decision of the judge to refuse to grant permission under subsection (4) is final.
- (6) Subsection (7) applies in relation to civil proceedings instituted in any court by a vexatious litigant before the Inner House makes a vexatious litigation order in relation to the vexatious litigant.
- (7) The court may make such order as it sees fit in consequence of the vexatious litigation order.

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*Status: This is the original version (as it was originally enacted).*

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- (8) In subsection (7), “the court” means—
- (a) the court which is dealing with the proceedings,
  - (b) in the case of proceedings in the sheriff court, the sheriff.