



# Courts Reform (Scotland) Act 2014

## 2014 asp 18

### PART 3

#### CIVIL PROCEDURE

#### CHAPTER 1

#### SHERIFF COURT

##### *Civil jury trials*

#### **69 Application for new trial**

- (1) After the jury have returned their verdict in jury proceedings, any party to the proceedings may, on any ground specified in subsection (2), apply to the Sheriff Appeal Court for a new trial.
- (2) The grounds are—
  - (a) the sheriff misdirected the jury,
  - (b) undue admission or rejection of evidence,
  - (c) the verdict is contrary to the evidence,
  - (d) damages awarded are excessive or inadequate,
  - (e) new evidence or information has come to light since the trial,
  - (f) any other ground essential to the justice of the case.
- (3) On an application under subsection (1), the Sheriff Appeal Court may grant or refuse a new trial.
- (4) Subsection (3) is subject to section 70.
- (5) Where the Court grants a new trial—
  - (a) the verdict of the jury is set aside, and
  - (b) the proceedings are to be tried by another jury.
- (6) Subsection (7) applies where—

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**Changes to legislation:** Courts Reform (Scotland) Act 2014, Section 69 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (a) an application is made under subsection (1) on the ground that the verdict is contrary to the evidence, and
  - (b) after hearing the parties, the Sheriff Appeal Court is of the opinion that—
    - (i) the ground is established, and
    - (ii) it has before it all the relevant evidence that could reasonably be expected to be obtained in relation to the proceedings.
- (7) The Court may, instead of granting a new trial—
- (a) set aside the verdict of the jury, and
  - (b) enter judgment for the party unsuccessful at the trial.
- (8) In a case where the Court is constituted by more than one Appeal Sheriff, the opinion referred to in subsection (6)(b) must be the opinion of all of them.

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**Modifications etc. (not altering text)**

- C1** S. 69 amendment to earlier commencing S.S.I. 2015/247, art. 8(1) (1.1.2016) by [The Courts Reform \(Scotland\) Act 2014 \(Commencement No. 5, Transitional and Saving Provisions\) Order 2015 \(S.S.I. 2015/378\)](#), arts. 1(1), 5

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**Commencement Information**

- I1** S. 69 in force at 22.9.2015 by [S.S.I. 2015/247](#), art. 2, **Sch.** (with art. 8)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 5A and cross-heading inserted by [2020 asp 9 s. 9](#)
- sch. 1 para. 2(g)(h) inserted by [2021 asp 16 s. 15\(8\)](#)