

EXECUTIVE NOTE

DRAFT : The Sheriff Courts (Scotland) Act 1971 (Privative Jurisdiction and Summary Cause) Order 2007

The above Order in Council, if passed, will be made in exercise of the powers conferred by section 41 of the Sheriff Courts (Scotland) Act 1971. It is subject to affirmative resolution procedure.

The Order is set to come into force on 14 January 2008, to allow time for the Scottish Court Service and users of the court system to prepare for these changes.

Policy Objectives

The purpose of the instrument is to raise the limit of the privative (exclusive) jurisdiction of the sheriff court in civil cases and the summary cause limit from £1,500 to £5,000. These limits were last increased in 1988.

Consultation

This issue was the subject of consultation in 1999. Extensive representations have been made at regular intervals in the period since by the different and divergent views of stakeholders. For that reason, the Government did not consider that further consultation ahead of laying the current Order was necessary.

Financial Effects

The instrument has minimal financial effects on the Scottish Government.

The instrument will enable a greater number of litigants to gain access to a procedure which, in addition to being less expensive, is less formal than ordinary cause procedure. Summary cause procedure enables the speedier resolution of actions than the more formal ordinary cause procedure.

The court will continue to be able to remit summary cause actions to ordinary cause procedure where parties jointly request this or on the motion of one party where it is considered appropriate to do so having regard to the importance or difficulty of the cause.

**Scottish Government Civil Justice and International Directive
12 September 2007**