
EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes categories of simple procedure cases in which the award of legal expenses is limited. Simple procedure is a new form of sheriff court procedure established by Chapter 1 of Part 3 of the Courts Reform (Scotland) Act 2014.

Article 2 provides that expenses are not awardable where the value of a claim does not exceed £200. Article 3(a) provides that, where the value of a claim is between £200 and £1,500, the maximum sum awardable as expenses is £150. Article 3(b) provides that, where the value of a claim is between £1,500 and £3,000, the maximum sum awardable as expenses is 10% of the value of the claim. The references to “sheriff” in article 3 include a summary sheriff by virtue of section 44(1) and paragraph 12 of schedule 1 of the Courts Reform (Scotland) Act 2014.

Article 4 sets out particular types of simple procedure case to which this Order does not apply.

Further, by virtue of section 81(4) of the Courts Reform (Scotland) Act 2014 this Order does not apply to the cases and appeals referenced in that subsection. A sheriff or summary sheriff may also disapply this Order by direction under section 81(7) on the application of any party to a simple procedure case. An application might be made if it was considered that a difficult question of law, or a question of fact of exceptional complexity, is involved.