

INSIGHT

Simple Procedure in the Scottish Courts

Simple Procedure applies to low-value payment actions of up to £5,000

Simple Procedure was introduced in Scotland in November 2016 for payment actions. It was intended to deliver quicker, jargon-free court actions with electronic court forms, with interventionist sheriffs / summary sheriffs also helping to reduce the time taken to deliver early resolution.

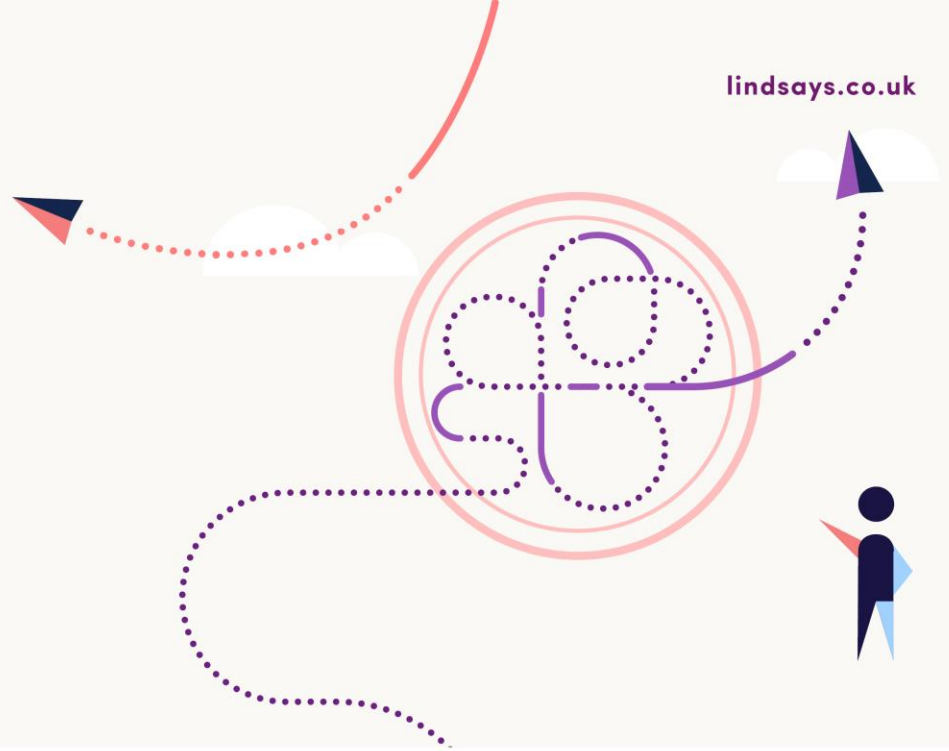
The system requires more work at an early stage than the previous system, with more input required when an action is raised and extensive form filling. However, the introduction of the online case management reduces the paper-handling involved.

Our Dispute Resolution and Litigation team can navigate the Simple Procedure system for you, both offline or online.

Raising an action

Raising an action using Simple Procedure requires significant input at the outset. The claim form is comprehensive, and the courts expect copies of relevant documentation. We can advise you what is required in each case and provide the court and other party with all relevant information.

We will attend to all the various serving requirements for you and update accordingly.



Simple Procedure in the Scottish Courts

The response

At this stage, the respondent has the option to:

- lodge a response accepting liability and, if appropriate, seeking time to pay the sum owed, or
- lodge a response that sets out the basis for disputing liability.

This more than anything makes these low-level court actions simple and fast for all parties involved. Our solicitors can do what they can to expedite court actions, avoiding delays, and getting the best outcomes for you or your business.

For more information on Simple Procedure, contact our [team](#).

If no response is lodged, a decision form or order may be granted in favour of the claimant (equivalent to a decree under the previous system).

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Further procedure

If the action is defended, or the response seeks time to pay, the papers are passed to a sheriff for consideration, and they will usually fix a case management hearing. The initial focus of the hearing is to explore the parties' positions and the scope for settlement.

If there is no agreement between the parties (or basis for agreement), a full evidential hearing will usually be fixed. In practice we are finding that courts are engaged in the detail of disputes at each stage and more willing to highlight any apparent weaknesses in positions.

This more interventionist approach from sheriffs and summary sheriffs – combined with the fact that Simple Procedure makes parties' respective positions, and therefore respective strengths and weaknesses clearer – often contributes to earlier resolution of claims. This is welcome.

Decision form/order

When a decision form or order is granted, it cannot be enforced for 28 days from the date it is sent.

Simple Procedure Online

The electronic case management system for Simple Procedure means it is possible for us to track online the progress of court actions raised, documents lodged, and fees paid, and to provide you with updates as and when required.

