

This page provides you with an introduction to the ordinary courts in the Scotland jurisdiction of the UK.

Ordinary courts – introduction

The Court of Session, High Court of Justiciary, Sheriff Courts and Justice of the Peace Courts are administered by the [Scottish Courts and Tribunals Service \(SCTS\)](#), which is an independent body corporate chaired by the Lord President, the most senior judge in Scotland.

Scotland's Supreme Courts

In Scotland, these consist of the Court of Session and the High Court of Justiciary.

Court of Session

The Court of Session is the supreme civil court in Scotland and is situated at Parliament House in Edinburgh. It sits in an appeal capacity and also as a civil court dealing with disputes including cases relating to recovery of debt, damages, family actions and commerce.

High Court of Justiciary

The High Court of Justiciary deals with criminal appeals arising from solemn matters and serious criminal cases. Trials are held before a judge and jury. When hearing cases on appeal the court sits in Edinburgh. For other business the court has permanent bases in Edinburgh, Glasgow and Aberdeen, but trials are also held in towns and cities throughout Scotland.

Sheriff Courts

For legal purposes, Scotland is split into six regions called 'Sheriffdoms'. Each Sheriffdom has a Sheriff Principal who, in addition to hearing appeals in civil matters whilst sitting as appeal Sheriffs, have responsibility for the efficient disposal of all business in the Sheriff Courts.

Within these Sheriffdoms, there are a total of 39 Sheriff Courts varying in size and design, but all serving the same purpose.

Cases are heard before a judge called a Sheriff. The work of the Sheriff Courts can be divided into three main categories of civil, criminal and commissary work, and is administered by local sheriff clerks and their staff.

Summary Sheriffs have authority to perform some of the duties of a Sheriff in both criminal and civil proceedings.

In addition there is a new all-Scotland Personal Injury Court which sits in Edinburgh.

The civil Sheriff Appeal Court has provision to have single or triple Sheriff benches presiding over civil appeals arising from business in the Sheriff Courts.

The criminal Sheriff Appeal Court hears appeals in relation to summary criminal business against decisions of Sheriffs and Justices of the Peace. It also hears all appeals against decisions in relation to bail made in Sheriff and Justice of the Peace Courts.

Civil cases

Most civil business involves disputes between persons or organisations. Sheriff Courts deal with three different types of case:

Ordinary actions, which deal mainly with cases involving divorce, children, property disputes and debt/damages claims exceeding £5,000. With the exception of family actions (unless the only order sought is aliment) actions of £100,000 or under can only be raised in the Sheriff Court.

Summary causes, which use a simplified procedure dealing mainly with disputes involving rent arrears in respect of social housing, and damages resulting from personal injuries with a monetary value of £5000 or less.

Simple procedure, dealing with claims which have a monetary value of £5000 or less which seek payment, delivery or recovery of possession of moveable property, or an order for someone to do something specific.

In addition, the Sheriff Court deals with many other civil applications and procedures including:

Adoption of children

Liquidation of companies

Fatal accident inquiries

Bankruptcies

Criminal cases

Sheriff Court criminal cases may be brought under either solemn or summary procedure. It is the responsibility of the Procurator Fiscal (prosecutor) to decide which procedure should be followed for a particular case.

Solemn procedure is used in serious cases where the charge may attract a sentence in excess of twelve months in prison or an unlimited fine. Trials are heard before a Sheriff sitting with a jury.

Summary procedure is used for less serious cases where a Sheriff hears a case without a jury. Although the Sheriff's sentencing powers are restricted to twelve months imprisonment, there are occasions when this may be increased.

Commissary work

Commissary work deals mainly with the disposal of a deceased person's estate. The power granted by the court to allow an executor to in-gather and distribute the estate is called 'confirmation'. This is only granted after an inventory of the deceased's estate has been lodged in court.

If the estate has a gross value not exceeding £36,000, it is classed as a 'small estate' and the person seeking confirmation will be assisted in completing the appropriate form by the staff of the local sheriff clerk's office. If the value of the estate is in excess of £36,000, people seeking confirmation will be advised to consult a solicitor.

Justice of the Peace Courts

The Justice of the Peace Court is a lay court where a justice of the peace who is not legally qualified sits with a legally qualified clerk. The clerk provides advice to the justice on matters of law and procedure. The Court deals mainly with less serious summary criminal cases. The maximum sentence that a justice of the peace may impose is 60 days imprisonment or a fine not exceeding £2,500.

The sheriff clerk is responsible for all the administrative work in the Sheriff Court and Justice of the Peace Court including:

Recovery of fines and compensation orders

Issuing copies of court orders, such as those relating to bail, community payback orders or restriction of liberty orders.

Citation and management of jurors.

More detailed information about courts in Scotland can be found on the website of the [Scottish Courts and Tribunals Service](#).

Related Links

[Scottish Courts and Tribunals Service](#)

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