En matière de justice civile, les procédures en cours et les procédures ouvertes avant la fin de la période de transition se poursuivront en vertu du droit de l'Union. Sur la base d'un accord mutuel avec le Royaume-Uni, le portail e-Justice conservera les informations relatives au Royaume-Uni jusqu'à la fin de 2024.

Small claims

Ecosse

Article 25 1 (a) Competent courts

The court that is competent to give judgment in the European Small Claims Procedure in Scotland is the Sheriff Court and in all cases the procedure will be before a sheriff.

Article 25 1 (b) Means of communication

The means of communication acceptable by courts in Scotland for the purposes of commencing the European Small Claims Procedure will be similar to that followed in the domestic Simple Procedure, which is by ordinary mail. Claimants may also lodge the claim form with the appropriate Sheriff Court personally during business hours. The Scottish Courts and Tribunals Service (SCTS) website provides information on the location of all Sheriff Courts in Scotland including business hours and contact details: ScotCourts.

Article 25 1 (c) Authorities or organisations providing practical assistance

The Sheriff Clerk's Office will assist in completion of the claim in Form A. However, the assistance provided by the Sheriff Clerk's Office cannot include legal advice. Free advice and assistance on progressing a European Small Claim can also be sought from a solicitor or any of the following organisations:
Scottish Association of Law Centres
Citizens Advice Bureau
Consumer Protection Centres
Consumer Protection Deparments
On-Court Adviser at Aberdeen, Airdrie, Dundee, Edinburgh, Hamilton and Kilmarnock Sheriff Courts
The Law Society of Scotland can also provide contact details for local solicitors.

Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

If the defender's address is within the UK then documents must be served by first class recorded delivery. If the defender's address is outside the UK then the documents must be served by registered post.
Electronic service is not available under the procedural law of Scotland. However, parties to the claim may communicate electonically on matters relating to the claim where there is no requirement in the Regulations or Rules of Court for them to be formally sent or received. Any such communication can be sent using the generic email address for the relevant Sheriff Court. However, the Sheriff Clerk's Office are not permitted to provide legal advice.

Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

There is no obligation on any person in Scotland to accept sevice by electronic means.

Article 25 1 (f) Court fees and the methods of payment

Current fees, payable from 1 April 2019::
To lodge a European Small Claim form for 250 euros or less - £19
For all other European Small Claim forms - £104
Marking (i.e. notifying the court of an intention to) appeal - £61
Fees payable from 1 April 2020 will be:
To lodge a European Small Claim form for 250 euros or less - £19
For all other European Small Claim forms - £106
Marking i.e. notifying the court of an intention to appeal - £62
An applicant may be entitled to exemption from paying court fees in certain circumstances - see link:
Fee Exemptions
Methods of payment:
Cheques - made payable to "The Scottish Courts and Tribunals Service"
Debit and Credit Card - please check which types of card are acceptable with the apppropriate court
Postal Order - made payable to "The Scottish Courts and Tribunals Service"
Cash - if paying by post it is not advisable to make cash payments

Article 25 1 (g) Appeal procedure and courts competent for an appeal

As in the domestic SImple Procedure an appeal will be available against a judgment given by a Sheriff in the European Small Claims Procedure. An appeal will be to the Sheriff Appeal Court and can only be taken on a point of law. The decision of the Sheriff Appeal Court will be fianl and not subject to any further review.
The appeal is a two stage process:
Stage 1 - Rule 16.2 of the Act of Sederunt (Simple Procedure) 2016 specifies the time limit for lodging an appeal in a domestic Simple Procedure claim as 4 weeks from the date of sending the final decision and this period will apply to the European Small Claims Procedure. The procedures applicable to an appeal can be found in Part 16 of the Act of Sederunt (Simple Procedure) 2016.
Stage 2 - once the appeal has been sent to the Sheriff Appeal Court, the Rules covering appeals in the Sheriff Appeal Court will apply and can be found in Part 16 of the Act of Sederunt (Simple Procedure) 2016 and Parts 2, 4, 5, and 6 of the Act of Sederunt (Sheriff Appeal Court Rules 2015.
The Rules of Court can be accessed here: ScotCourts

Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

Rule 5(1) of the Act of Sederunt (Sheriff Court European Small Claims Procedure Rules) 2008 ("the Rules"), as amended, provides that a review is to be made in Form 3 (which is set out in the Schedule to the Rules). Rule 5 states that the sheriff may make any order he thinks fit for the progress of any such application. Otherwise, the procedure will follow Article 18 of the Regulation.

Article 25 1 (i) Accepted languages

The official language acceptable pursuant to Article 21(1)(a) is English.

Article 25 1 (j) Authorities competent for enforcement

Sheriff Officers and Messengers at Arms are the competent authorities for enforcement in Scotland. They will be instructed by creditors to enforce court orders or warrants against debtors which are issued by sheriff courts.

An application may be made to the court (being the competent authority) to stay (in exceptional circumstances) or limit enforcement in terms of Article 23 of the Regulation. An application to a court in Scotland shall be made in Form 5 in terms of Rule 5 of the Act of Sederunt (Sheriff Court European Small Claims Procedure Rules) 2008 ("the Rules"), as amended. The sheriff (the court) may make any order he thinks fit for the progress of any such application in terms of Rule 5(4) of the 2008 Rules.

It is the responsibility of the successful party to have the court's order enforced. The court cannot do so on their behalf. They will also be responsible for the cost of any enforcement action, although they may be able to recover this from the other party.

Last update: 17/02/2020

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