Na področju civilnega pravosodja se bodo postopki, ki še potekajo, in postopki, ki so se začeli pred koncem prehodnega obdobja, nadaljevali po pravu EU. Evropski portal e-pravosodje bo na podlagi vzajemnega priznavanja ohranil informacije, povezane z Združenim kraljestvom, do konca leta 2024.

Online processing of cases and e-communication with courts

Škotska

1 Is it possible to initiate court proceedings via the internet?

Yes, for Simple Procedure claims only. Simple Procedure is a court process designed to provide a speedy, inexpensive and informal way to resolve disputes where the monetary value does not exceed £5,000.

More information in respect of civil online can be accessed on the Scottish Courts and Tribunals website at the following civil online link.

The Scottish Courts and Tribunals Service has a long term goal to provide wider services electronically, but does not provide this function currently other than as described above. Initiation of different court proceedings by the internet will feature as a key objective as internal systems and processes are reviewed.

2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

It is available for Simple Procedure case types only; these proceedings are not exclusively via the internet and cases can still be raised in paper format with the court.

3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

The online facility is available 24 hours a day, 7 days a week. However, confirmation that a claim has been accepted by the court is restricted to office hours when staff are available to check competency and process claims.

4 Should the details of the claim be provided in any particular format?

Yes, there are standard forms which comply with rules of court which can be completed and submitted electronically.

Simple Procedure rules and forms are available on the Scottish Courts and Tribunals Service website at court rules.

5 How is transmission and storage of data secured?

Users are required to authenticate before they are given access to any data. Data is encrypted in transit and at rest. The application has been built to OWASP ASVS 3.0 level 2.

6 Is it necessary to use any kind of electronic signature and/or time record?

Electronic signature is not required.

The time and date claims and other documents lodged are recorded in the case management system.

7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

Court fees are payable and are prescribed in legislation.

Fees can be paid electronically by credit or debit card when raising a Simple Procedure claim using civil online.

If using non-electronic procedure, fees can also be paid using cash or cheque as well as debit or credit card.

More information can be found on the Scottish Courts and Tribunals Service website at court fees.

8 Is it possible to withdraw a claim that has been initiated via the internet?

No, but a Simple Procedure claim can be dismissed or settled in terms or rules of court.

9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

It is possible but not compulsory.

10 In terms of the electronic procedure what happens if the defendant responds to the claim?

If a response is made electronically, then the court sends electronic confirmation of receipt of the response and will advise of any further procedure by sending electronic notifications.

More information can be accessed on the Scottish Courts and Tribunals Service website at responding to a claim.

11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

If there is no response, then no notification is given by the court. The claimant will contact the respondent to advise the outcome of the case in due course.

12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

When a Simple Procedure case has been raised using Civil Online, then all evidence submitted to the court electronically will be presented in court electronically - this applies to Civil Online cases only.

In all other case types, this is only possible where both parties and the judge hearing the case agree the format.

13 Can judicial documents, and particularly judgments, be served via the internet?

No.

14 Can judicial decisions be given electronically?

No. However, if a case has gone to a full hearing and judicial determination by the court, a copy of the court's opinion may subsequently be published on the Scottish Courts and Tribunals Service website and/or Judiciary of Scotland website.

15 Can an appeal be made and its decision served via the internet?

No.

16 Is it possible to initiate enforcement proceedings via the internet?

No.

17 Can the parties or their legal representatives consult on-line cases? If so, how can this be done?

No. However, some court opinions are available online. Further information is available at Scottish Courts and Tribunals Service and Judiciary of Scotland.

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