

Courts in Scotland

Civil Courts

Sheriff Courts

If you are being taken to Court because of a housing issue it is most likely that your case will be dealt with in your local Sheriff Court. To find your nearest Sheriff Court visit the Scottish Courts website – www.scotcourts.gov.uk.

There are **three different types** of Civil Court procedure in the Sheriff Court, these are;

- **Simple procedure** – From 28 November 2016 the simple procedure replaced the small claims and summary cause procedures for all claims worth up to £5,000.
- **Summary Cause** – Eviction cases are often dealt with under this procedure
- **Ordinary Cause** – this deals with claims of over £5,000, for example mortgage arrears cases. It also deals with complicated cases such as divorce.

Representation - you will probably need a solicitor to represent you in this Court. However, you can also be represented by an approved lay adviser if your mortgage lender is trying to repossess your home due to mortgage arrears.

Appeals go to...

The Court of Session

This deals with cases involving a lot of money and appeals and covers the whole of Scotland. It is located in Edinburgh.

Housing Law cases that challenge the decisions and procedures of official bodies such as Councils can be challenged here. These cases are known as "Judicial Review Actions"

Representation – only Advocates and Solicitor Advocates can represent you. You will need a solicitor to get in touch with Advocates and Solicitor-Advocates.

Appeals go to...

The House of Lords

This Court deals with appeals from very complicated cases. If you have a housing issue it is very unlikely that your case will go to this Court.

Criminal Courts

If your case is to do with Housing it is unlikely that it will be dealt with in a Criminal Court.

Sheriff Courts

There are **two different** types of Criminal Court procedure in the Sheriff Court, these are;

- **Summary Procedure** - for less serious cases
- **Solemn Procedure** - for more serious cases

Justice of the Peace Courts

There are 50 Justice of the Peace Courts in Scotland. These deal with **minor criminal cases** such as road traffic offences and small disturbances in the street.

Appeals from both Courts go to...

The High Court of the Justiciary

This is the highest criminal Court in Scotland and deals with trials involving very serious crimes and appeals. There are High Courts in both Edinburgh and Glasgow and Judges can also travel to Sheriff Court buildings to hear cases.

Getting help from Shelter Scotland

If you have a housing issue contact **Shelter Scotland's free housing advice helpline** on **0808 800 4444**. An adviser can tell you what you're entitled to and help you deal with the council.

Shelter
Scotland