

PE2205/A: Extend access to justice by reforming court rules in equality and human rights claims

Scottish Government written submission, 12 December 2025

Does the Scottish Government consider the specific ask[s] of the petition to be practical or achievable?

Simple Procedure

Simple Procedure is a legal process in Scotland designed to resolve civil disputes where the claim value is £5,000 or less. It is designed to provide a quicker, less formal, and more accessible route to justice for individuals. It is intended to be a user friendly straightforward and cost-effective method for individuals to resolve their disputes without the need for a lawyer. The procedure is distinguished by its emphasis on negotiation and settlement, with court hearings being a last resort.

While officials have generally kept the Simple Procedure limit under continual review there have been very few calls for an increase in the Simple Procedure limit to date either from court users, the legal profession or justice partners. There has been no detailed analysis specifically undertaken in relation to removing or raising the £5,000 limit in Simple Procedure claims brought under the Equality Act 2010 and the Human Rights Act 1998.

Removing or raising the monetary limit would require secondary legislation to be taken forward under section 72 (12) of the Courts Reform (Scotland) Act 2014. The Scottish Government have no plans to do this in this Parliamentary session.

Qualified One-Way Cost Shifting (QOCS)

QOCS rules in Scotland civil courts were introduced (Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018) to enhance access to justice for personal injury claimants. The rules came into effect on 30 June 2021, and they limit a defender's ability to seek expenses against a pursuer in personal injury cases. They apply in both the Court of Session and the Sheriff Court and provide that a pursuer will not be liable for expenses if they conduct their claim in an appropriate manner.

QOCS were introduced to significantly reduce the risks of adverse costs awards and remove barriers to those seeking to vindicate their rights in civil courts.

Primary legislation would be required to extend QOCS to the cases sought by the Petition. There have been few calls for such a change and the Scottish Government possesses limited data in respect of these categories of claim and the nature and extent of any issue is unknown. At this time, the Scottish Government does not consider it has the sufficient data or evidence to support such a change. The need to

deliver against existing priorities combined with the limited time remaining in the current parliamentary session will restrict further investigations.

What, if any, action the Scottish Government is currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the ask[s] of this petition?

The Scottish Government is not currently taking action to review the monetary limit for simple procedure. Removing or raising the monetary limit in Simple Procedure is a policy decision which would require evidence gathering, full analysis and consideration. Any changes would require secondary legislation under section 72 (12) of the Courts Reform (Scotland) Act 2014. The Scottish Government have no plans to do this in this Parliamentary session.

Whilst no plans are in place to explore the issue of QOCS applying in the types of cases sought by the petitioner, when officials progress the review of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018 (after the 2026 Scottish Parliament election), consideration may be given as to whether QOCS could be extended to other types of civil litigation cases in the future if appropriate.

Civil Courts and Inquiries Division