



Courts Reform (Scotland) Act 2014

2014 asp 18

PART 3

CIVIL PROCEDURE

CHAPTER 3

REMIT OF CASES BETWEEN COURTS

92 Remit of cases to the Court of Session

- (1) Subsection (2) applies to any civil proceedings before a sheriff that are—
 - (a) proceedings that the Court of Session also has competence and jurisdiction to deal with,
 - (b) not proceedings to which section 39 applies, and
 - (c) not subject to simple procedure.
- (2) On the application of any of the parties to the proceedings, the sheriff may, at any stage, remit the proceedings to the Court of Session if the sheriff considers that the importance or difficulty of the proceedings makes it appropriate to do so.
- (3) Subsection (4) applies to any civil proceedings before a sheriff that are—
 - (a) proceedings to which section 39 applies,
 - (b) proceedings that the Court of Session would (but for that section) also have competence and jurisdiction to deal with, and
 - (c) not subject to simple procedure.
- (4) On the application of any of the parties to the proceedings, the sheriff may, at any stage, request the Court of Session to allow the proceedings to be remitted to that Court if the sheriff considers that the importance or difficulty of the proceedings makes it appropriate to do so.
- (5) On receiving a request under subsection (4), the Court of Session may, on cause shown, allow the proceedings to be remitted to the Court.

Changes to legislation: *Courts Reform (Scotland) Act 2014, Section 92 is up to date with all changes known to be in force on or before 28 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (6) If the Court of Session allows the proceedings to be remitted to that Court, the sheriff is to remit the proceedings to that Court.
- (7) Where the proceedings are remitted to the Court of Session under subsection (6), the proceedings may be dealt with and disposed of by that Court despite section 39(2).

Commencement Information

II [S. 92](#) in force at 22.9.2015 by [S.S.I. 2015/247](#), art. 2, [Sch.](#) (with art. 11)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- sch. 1 para. 5A and cross-heading inserted by [2020 asp 9 s. 9](#)
- sch. 1 para. 2(g)(h) inserted by [2021 asp 16 s. 15\(8\)](#)