

## SCHEDULE 1

### SUMMARY CAUSE RULES 2002

#### CHAPTER 16

##### *Transfer and remit of actions*

##### **Transfer to another court**

**16.1.**—(1) The sheriff may transfer an action to any other sheriff court, whether in the same sheriffdom or not, if the sheriff considers it expedient to do so.

(2) If the sheriff is satisfied that the court has no jurisdiction, he may transfer the action to any sheriff court in which it appears to the sheriff that it ought to have been brought.

(3) An action so transferred shall proceed in all respects as if it had been brought originally in the court to which it is transferred.

##### **Remit between procedures**

**16.2.**—(1) If the sheriff makes a direction that an action is to be treated as an ordinary cause, he must, at the time of making that direction—

- (a) direct the pursuer to lodge an initial writ, and intimate it to every other party, within 14 days of the date of the direction;
- (b) direct the defender to lodge defences within 28 days of the date of the direction; and
- (c) fix a date and time for an Options Hearing and that date shall be the first suitable court day occurring not sooner than ten weeks, or such lesser period as he considers appropriate, after the last date for lodging the initial writ.

(2) If the sheriff directs that an ordinary cause or small claim is to be treated as an action under these rules—

- (a) he must specify the next step of procedure to be followed in the action; and
- (b) in the case of an ordinary cause, the initial writ shall be deemed to be a summary cause summons.

##### **Remit from Court of Session**

**16.3.** On receipt of the process in an action which has been remitted from the Court of Session under section 14 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985(1), the sheriff clerk must—

- (a) record the date of receipt in the Register of Summary Causes;
- (b) fix a hearing to determine further procedure on the first court day occurring not earlier than 14 days after the date of receipt of the process; and
- (c) forthwith send written notice of the date of the hearing fixed under paragraph (b) to each party.

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(1) 1985 c. 73.