



Sheriff Courts (Scotland) Act 1971

1971 CHAPTER 58

PART III

CIVIL JURISDICTION, PROCEDURE AND APPEALS

Summary causes

37 Remits

- (1) In the case of any ordinary cause brought in the sheriff court the sheriff shall at any stage, on the joint motion of the parties to the cause, direct that the cause be treated as a summary cause, and in that case the cause shall be treated for all purposes (including appeal) as a summary cause and shall proceed accordingly.
- (2) In the case of any summary cause, the sheriff at any stage—
 - (a) shall, on the joint motion of the parties to the cause, and
 - (b) may, on the motion of any of the parties to the cause, if he is of the opinion that the importance or difficulty of the cause makes it appropriate to do so, direct that the cause be treated as an ordinary cause, and in that case the cause shall be treated for all purposes (including appeal) as an ordinary cause and shall proceed accordingly:

Provided that a direction under this subsection may, in the case of an action for the recovery of possession of heritable or moveable property, be given by the sheriff of his own accord.
- (3) The decision of a sheriff in any case to make, or not to make, a direction by virtue of paragraph (b) of, or the proviso to, subsection (2) above shall not be subject to review.
- (4) In this section " sheriff " includes a sheriff principal.