
STATUTORY INSTRUMENTS

1999 No. 929

Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999

CHAPTER 2

SUMMARY APPLICATION RULES

PART II

GENERAL RULES

Transfer to another sheriff court

2.21.—(1) The sheriff may, on cause shown, remit a summary application to another sheriff court.

(2) Subject to paragraph (4), where a summary application in which there are two or more defenders has been brought in the sheriff court of the residence or place of business of one of them, the sheriff may transfer the summary application to any other sheriff court which has jurisdiction over any of the defenders.

(3) Subject to paragraph (4), where a plea of no jurisdiction is sustained, the sheriff may transfer the summary application to the sheriff court before which it appears to him the summary application ought to have been brought.

(4) The sheriff shall not transfer a summary application to another sheriff court under paragraph (2) or (3) except—

- (a) on the motion of a party; and
- (b) where he considers it expedient to do so having regard to the convenience of the parties and their witnesses.

(5) On making an order under paragraph (1), (2) or (3), the sheriff—

- (a) shall state his reasons for doing so in the interlocutor; and
- (b) may make the order on such conditions as to expenses or otherwise as he thinks fit.

(6) The court to which a summary application is transferred under paragraph (1), (2) or (3) shall accept the summary application.

(7) A transferred summary application shall proceed in all respects as if it had been originally brought in the court to which it is transferred.

(8) An interlocutor transferring a summary application may, with leave of the sheriff, be appealed to the sheriff principal but shall not be subject to appeal to the Court of Session.