Courts Reform (Scotland) Act 2014

2014 asp 18

PART 3

CIVIL PROCEDURE

CHAPTER 1

SHERIFF COURT

Interdicts and other orders: effect outside sheriffdom

84 Interdicts having effect in more than one sheriffdom

(1) A sheriff has competence to grant an interdict having effect in relation to conduct at places outside the sheriff's sheriffdom as well as at places within the sheriff's sheriffdom.

(2) In this section, "interdict" includes "interim interdict".

Commencement Information

I1 S. 84 in force at 28.11.2016 by S.S.I. 2016/291, art. 2, **sch.**

85 Proceedings for breach of an extended interdict

(1) In this section, "extended interdict" means an interdict granted by a sheriff, by virtue of section 84(1), having effect in relation to conduct at places outside the sheriff's sheriffdom.

(2) Proceedings for breach of an extended interdict may be brought before a sheriff of the sheriffdom—

(a) in which the defender is domiciled,

(b) in which the interdict was granted,

(c) in which the alleged breach occurred.

Changes to legislation: *Courts Reform (Scotland) Act 2014, Cross Heading: Interdicts and other orders: effect outside sheriffdom is up to date with all changes known to be in force on or before 19 June 2024. 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*

(3) A sheriff before whom proceedings for breach of an extended interdict are brought may make an order transferring the proceedings to a sheriff of another sheriffdom (whether or not one mentioned in subsection (2)) if satisfied that it would be more appropriate for the proceedings to be dealt with by a sheriff of the other sheriffdom.

(4) A sheriff may make an order under subsection (3)—

(a) on the application of a party to the proceedings, or

(b) on the sheriff's own initiative.

(5) Where an order is made under subsection (3), a sheriff of the sheriffdom to whom the proceedings are to be transferred has jurisdiction and competence to consider and determine the proceedings.

(6) This section does not affect any power that a sheriff has to decline jurisdiction in any case.

Commencement Information

I2 S. 85 in force at 28.11.2016 by S.S.I. 2016/291, art. 2, **sch.**

86 Power to enable sheriff to make orders having effect outside sheriffdom

(1) In this section, "relevant order" means an order—

(a) which a sheriff has competence and jurisdiction to make in civil proceedings, but

(b) which, apart from this section, the sheriff could make only so as to have effect or be enforceable within the sheriff's sheriffdom.

(2) The Scottish Ministers may by order provide for a sheriff to have competence to make relevant orders having effect (and being capable of being enforced) outside the sheriff's sheriffdom as well as within that sheriffdom (referred to in this section as "extended competence").

(3) An order under subsection (2) may—

(a) make provision in relation to all relevant orders or in relation only to specified categories or descriptions of relevant order,

(b) make different provision in relation to different categories or descriptions of relevant order,

(c) provide for a sheriff to have extended competence only—

(i) in such circumstances,

(ii) in relation to such civil proceedings, or

(iii) subject to such conditions,

as are specified in the order,

(d) make provision about jurisdiction in relation to proceedings for relevant orders,

(e) make provision for the transfer of proceedings for relevant orders between different sheriffdoms,

(f) make provision about the enforcement of orders made in the exercise of extended competence (including provision about jurisdiction in relation to enforcement proceedings).

Changes to legislation: *Courts Reform (Scotland) Act 2014, Cross Heading: Interdicts and other orders: effect outside sheriffdom is up to date with all changes known to be in force on or before 19 June 2024. 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*

(4) Subsection (3) does not affect the generality of section 133(1).

(5) In subsection (1), "order"—

(a) includes "interim order", but

(b) does not include an interdict or an interim interdict.

Commencement Information

I3 S. 86 in force at 1.4.2015 for specified purposes by S.S.I. 2015/77, art. 2(2)(3), **Sch.**

I4 S. 86 in force at 28.11.2016 in so far as not already in force by S.S.I. 2016/291, art. 2, **sch.**

Changes to legislation:
Courts Reform (Scotland) Act 2014, Cross Heading: Interdicts and other orders: effect outside sheriffdom is up to date with all changes known to be in force on or before 19 June 2024. 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.
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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)