



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.

Status: This is the original version (as it was originally enacted).

- (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).

93 Remit of cases from the Court of Session

- (1) Subsection (2) applies to any proceedings in the Court of Session if—
 - (a) they are proceedings that a sheriff also has competence and jurisdiction to deal with,
 - (b) they would be proceedings to which section 39 applies but for the fact that subsection (1)(b)(ii) of that section is not satisfied, and
 - (c) the Court considers, at any stage, that it is unlikely that the aggregate total value of all the orders of value granted in the proceedings, exclusive of interest and expenses, will be greater than the sum specified in that subsection.
- (2) The Court must remit the proceedings to an appropriate sheriff, unless the Court considers, on cause shown, that the proceedings should remain in the Court of Session.
- (3) In considering the matter in subsection (1)(c), the Court is to assume—
 - (a) that liability for the order sought is established, and
 - (b) that there will, where appropriate, be no deduction for contributory negligence.
- (4) Subsection (5) applies to any proceedings in the Court of Session if—
 - (a) they are proceedings that a sheriff also has competence and jurisdiction to deal with, but
 - (b) are not proceedings to which paragraph (b) or (c) of subsection (1) applies.
- (5) The Court may, at any stage, remit the proceedings to an appropriate sheriff if the Court considers that the nature of the proceedings makes it appropriate to do so.
- (6) The Court may remit proceedings under subsection (2) or (5)—
 - (a) on the application of any party to the proceedings, or
 - (b) on its own initiative.
- (7) In this section, “an appropriate sheriff” means, in relation to proceedings remitted from the Court of Session under this section, a sheriff having competence and jurisdiction to deal with the proceedings sitting at such sheriff court as the Court may, at the time of the remit, specify.

94 Remit of cases to the Scottish Land Court

- (1) Subsection (2) applies to any proceedings before a sheriff where the matter to which the proceedings relate could competently be determined by the Scottish Land Court under—
 - (a) the Agricultural Holdings (Scotland) Act 1991, or
 - (b) the Agricultural Holdings (Scotland) Act 2003.
- (2) The sheriff may, at any stage, remit the proceedings to the Scottish Land Court if the sheriff considers that it is appropriate to do so.

Status: This is the original version (as it was originally enacted).

- (3) The sheriff may remit proceedings under subsection (2)—
 - (a) on the application of any party to the proceedings, or
 - (b) on the sheriff’s own initiative.
- (4) A decision of the sheriff to remit, or not to remit, the proceedings under subsection (2) is final and no appeal may be taken against it.