



# Courts Reform (Scotland) Act 2014

## 2014 asp 18

### PART 1

#### SHERIFF COURTS

#### CHAPTER 4

#### COMPETENCE AND JURISDICTION

*Sheriffs: civil competence and jurisdiction*

#### **38 Jurisdiction and competence of sheriffs**

- (1) A sheriff continues to have the jurisdiction and competence that attached to the office of sheriff in relation to civil proceedings immediately before this section comes into force.
- (2) Without limiting that generality, a sheriff has competence as respects proceedings for or in relation to—
  - (a) declarator,
  - (b) aliment or separation,
  - (c) recovery of maintenance arising out of an application under section 31(1) of the Maintenance Orders (Reciprocal Enforcement) Act 1972,
  - (d) divorce,
  - (e) division of commony and division, or division and sale, of common property,
  - (f) questions of heritable right or title, including declarator of irritancy and removing,
  - (g) reduction, other than reduction of a decree of any court,
  - (h) proving the tenor,
  - (i) suspension of charges or threatened charges upon decrees of court granted by a sheriff or upon decrees of registration proceeding upon bonds, bills, contracts or other obligations registered in the books of a sheriff court or the Books of Council and Session,

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**Changes to legislation:** *Courts Reform (Scotland) Act 2014, Section 38 is up to date with all changes known to be in force on or before 12 May 2023. 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*

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- (j) all civil maritime proceedings formerly competent in the High Court of Admiralty in Scotland.
- (3) For the purpose of subsection (2)(e), the Division of Commonties Act 1695 has effect as if it conferred the same competence on a sheriff as it confers on the Court of Session.

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**Commencement Information**

**II** [S. 38](#) in force at 1.4.2015 by [S.S.I. 2015/77](#), art. 2(2)(3), [Sch.](#)

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[View outstanding changes](#)

**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\(8\)](#)