



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*Status: This is the original version (as it was originally enacted).*

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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.